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इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप से रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ।

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

विधि, न्याय और कल्पनी कार्य मंत्रालय
(न्याय विभाग)
आदेश

नई दिल्ली, २२ अप्रैल, १९८२

का० आ० १६२२—जबकि मद्रास उच्च न्यायालय के मुख्य न्यायाधीश ने, श्री पेसल नायडु वेणुगोपाल से, जो उक्त उच्च न्यायालय के न्यायाधीश के पद पर कार्य फर लुकै, यह अनुरोध करने का प्रस्ताव किया है कि ३० नवम्बर, १९८१ का उक्त उच्च न्यायालय में ५ साल ते अधिक समय से अर्थात् वह १,४७६ मासलों का निपटान करने के लिए वे उक्त उच्च न्यायालय के न्यायाधीश के रूप मासीन हाथों और कार्य दे

और जबकि सर्विधान के अनुच्छेद २२४ के उपबंधों के अनुमति में, राष्ट्रपति ने श्री पेसल नायडु वेणुगोपाल को उक्त उच्च न्यायालय के न्यायाधीश के रूप में उस अवधि तक जब तक तक ३० नवम्बर, १९८१ को ५ साल से अधिक समय से अर्थात् वह १,४७६ मासलों का निपटान न हो जाए, वा उस तारीख से लेकर उक्त ५ साल की अवधि के लिए, जिस तारीख से श्री पेसल नायडु वेणुगोपाल अपने पद का वार्यभार छोड़ दे, इनमें से जो भी अवधि फहले हो उस अवधि तक वे लिए, उक्त उच्च न्यायालय के न्यायाधीश के रूप में आमीन होने और काय करने का प्रमत्र व पर अपनी भूमति दे दी है।

अब, इसलिए, यकिनान के अनुच्छेद २२४ के अनुमति में, राष्ट्रपति नायडु वेणुगोपाल वा निर्वाचित करते हैं कि उक्त श्री पेसल नायडु वेणुगोपाल

65 GI/82—।

जिस अवधि के द्वारा उक्त न्यायालय के न्यायाधीश के रूप में आरीन होंगे और कार्य वरेंगे, उस अवधि में वे निम्नलिखित भर्तों के हुक्मादार होंगे, यथात्—

- (i) ३५०० रुपये (बेवज तीन हजार पाँच सौ रुपये) प्रतिमाह जिसमें से भद्रास उच्च न्यायालय के रेवा निवृत्त न्यायाधीश के रूप में उन्हें मिल रही पश्च, तथा किसी अन्य सेवा निवृत्त लाभ के मध्यकक्ष पेशन वीर राशि को घटा दिया जाएगा;
- (ii) ३०० रुपये (बेवज तीन सौ रुपये) प्रतिमाह बाह्य मत्ता, इसके लिए शांत यह है कि वे मोटरगाड़ी रखें, और
- (iii) किसान-मुक्त सरकारी आयास वा उपयोग, और यदि श्री पेसल नायडु वेणुगोपाल सरकारी आयास का उपयोग नहीं करते तो उसके बदले में उन्हें ऊपर दीरा (i) में निर्धारित भर्ते के भावे बाह्य प्रतिशत के बराबर की राशि प्रतिमाह वीजाएगी।

[सं० ५८/३/८१-न्याय]
एम० वै० एम०, उप सचिव

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Justice)

ORDER

New Delhi, the 22nd April, 1982

S.O. 1622.—Whereas the Chief Justice of the Madras High Court has made a proposal to request Shri Perumal Naidu

Venugopal, who has held the office of a Judge of that High Court, to sit and act as a Judge of that High Court for the disposal of 1,476 cases pending in the said High Court for over 5 years as on the 30th November, 1981;

And whereas, in pursuance of the provisions of article 224A of the Constitution, the President has given his consent to the aforesaid proposal of the Chief Justice of the Madras High Court to request Shri Perumal Naidu Venugopal to sit and act as a Judge of that High Court until 1,476 cases pending in the said High Court for over 5 years as on the 30th November, 1981 are disposed of, or for a period of one year from the date Shri Perumal Naidu Venugopal assumes his office, whichever is earlier;

Now, therefore, in pursuance of article 224A of the Constitution, the President hereby determines that the said Shri Perumal Naidu Venugopal shall, for the period during which he sits and acts as a Judge of the Madras High Court, be entitled to the following allowances, namely—

- (i) Rs 3500 (Rupees three thousand and five hundred only) per month minus the pension and pension equivalent of any other retirement benefits drawn by him as a retired Judge of the Madras High Court,
- (ii) a conveyance allowance of Rs 300 (Rupees three hundred only) per month, subject to the maintenance of a motor car, and
- (iii) the use of an official residence free of rent, and if Shri Perumal Naidu Venugopal does not avail himself of the use of the official residence, he shall be paid every month an amount equal to twelve-and-a half per cent of the allowance specified in sub-paragraph (i) above

[No 58/3/81-Jus]

S K SHARMA, Deputy Secy

वाणिज्य संत्रास्य

आगे

नई दिल्ली, 1 मई, 1982

का० आ० 1623—केन्द्रीय सरकार की, नियात (क्वालिटी नियन्त्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की द्वारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह गया है कि भारत के नियात व्यापार के विकास के लिए ऐसा करना आवश्यक और संविचार है कि प्रशीति मछली और मछली उत्पादों का नियात से पूर्व क्वालिटी नियन्त्रण और नियोजन किया जाना चाहिए।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए निम्नलिखित विभिन्न प्रस्ताव बनाए हैं तथा उन्हें नियात (क्वालिटी नियन्त्रण और नियोजन) नियम, 1964 के तियम 11 के उप-नियम (2) की प्रपेक्षानुसार नियात नियोजन परियोग को भेज दिया है,

इन केन्द्रीय सरकार उक्त उप नियम के अनुसरण में भारत सरकार के वाणिज्य मंत्रालय की प्रशीति मछली और मछली से बनी वस्तुओं से संबंधित अधिसूचना सं० का० ४०००७ तारीख ३१ विसम्बर, १९७७ को अधिकात बनाए हुए उक्त प्रस्तावों को उन स्तोगों की जानकारी के सिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

२ सूचना दी जाती है कि यदि उक्त प्रस्तावों के बारे में जोई अप्रिय फौई आसेप या सुषाव देना चाहता है तो वह उसे इस आदेश के राजपत्र में प्रकाशन की तारीख दे ४५ दिन के बीतर भारतीय नियात नियोजन परियोग क्षेत्रीय कार्यालय, 'भारतीय विभिन्न' एवं जी० रोड, एस्क्रुलम कोवीन-11, को भेज सकता है।

प्रस्ताव

- (1) यह अधिसूचित करना कि प्रशीति मछली और मछली उत्पादों का नियात से पूर्व क्वालिटी नियन्त्रण और नियोजन किया जाएगा,
- (2) इस आदेश से सलग उपाध्यम I में दिए गए प्रशीति मछली और मछली उत्पादों के नियात (क्वालिटी नियन्त्रण और नियोजन) नियम 1982 के प्रारूप के अनुसार क्वालिटी नियन्त्रण और नियोजन के प्रकार वे नियोजन के द्वारा प्रकार के रूप में विनियिट करना जो नियात से पूर्व ऐसी प्रशीति मछली और मछली से बनी वस्तुओं को लागू होगा,
- (3) इस आदेश से सलग उपाध्यम II में दिए गए विनियोजनों को मछली और मछली उत्पादों के लिए मानक विनियोजनों के रूप में मान्यता देना,
- (4) भारतीय व्यापार के बीतर प्रशीति मछली और मछली उत्पादों के नियात का तब तक प्रतिविद्व करना जब तक कि उनके साथ नियात (क्वालिटी नियन्त्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की द्वारा ७ के अधीन केन्द्रीय सरकार द्वारा स्थापित अधिकारणों में से किसी एक के द्वारा जारी किया गया हम आशय वा प्रमाण पत्र न हो कि ऐसी प्रशीति मछली और मछली से बनी वस्तुओं मानक विनियोजनों के अनुहृत है तथा नियात योग्य है।

३ इस आदेश की कोई भी बात भावी भेजाओं का भूमि, समूहीय वा वायु मार्ग द्वारा प्रशीति मछली और मछली से बनी वस्तुओं के नियात को लागू नहीं होगी जिनका मूल्य ५०० रुपया से अधिक नहीं है।

४ इस आदेश के प्रयोजन के लिए 'मछली और मछली से बनी वस्तुओं' से प्रभित्र है—

१ सभी प्रकार की प्रशीति जीवा मछली (शिप्स) —

- (i) पूरी
- (ii) सिर रहित
- (iii) गोल पंखा-पूर्ण
- (iv) शिर रहित पंखा-पूर्ण]
- (v) तितली पंखा-पूर्ण
- (vi) छिली हुई, कच्ची छिली हुई या शिर महिन छिली हुई
- (vii) छिली हुई और शिर रहित
- (viii) छिली हुई और पकाई हुई
- (ix) छिली हुई और पकाई हुई
- (x) छिली हुई और शिर रहित

मिर और छिलके सहित, निर रहित छिलके सहित, अतिम भाग और पूर्ण के सिकाय, सिर तथा छिलके रहित, जैसा कि ऊपर (iii) में है किन्तु भोजन नलिका निकाली हुई, जैसा कि ऊपर (iv) में है, किन्तु काट कर खाली गयी और प्रतिक्षित हंग से रखी गयी, जैसा कि ऊपर (v) में है, किन्तु खाली गयी शिर का पूरी तरह हटाया हुआ, जैसा कि ऊपर (vi) में है, किन्तु भोजन नलिका और निकाली हुई, जैसा कि ऊपर (vii) में है, किन्तु पकाने के पश्चात, जैसा कि ऊपरोक्त (viii) में है, किन्तु पकाई हुई, जैसा कि ऊपरोक्त (ix) में है, किन्तु पकाई हुई, जैसा कि ऊपरोक्त (x) में है, किन्तु पकाई हुई भी,

(iv) सेप्टीम्यूनिस आर्कटी-
फिनिस }
(v) लौलास्टो इयूनियन } स्किवह्स की वशा में
(vi) लौलिओनस इन्वेस्टीमेंटिम }
(vii) इयूनियना स्टेनाइकटीना }

(प) “मानक नियन्त्रण” से इस भारते के उपाध्य 11 में अधिकारित प्रशीत क्षीण मछली (शिम्पस), प्रशीत समुद्री क्षीण, प्रशीत पास्टिक और अप्रशीत कटल मछली तथा स्किवह्स के विनियंश अनियंश हैं।

क्षालिटी नियंत्रण :

नियंत्रण के लिए आणवित मछली और मछली उत्पादों का क्षालिटी नियंत्रण इस बृूप्टि में किया जाएगा कि वे इन नियमों से संलग्न अनुसूची 1 में विए गए प्रसंस्करण के भिन्न-भिन्न प्रक्रमों पर नियंत्रण के स्तरों के साथ नीचे 3.1 और 3.2 की अपेक्षाओं को प्रभावी करते हुए अधिकारियम की धारा 6 के अधीन केवलीय मरकार द्वारा मान्यता प्राप्त विनियंशों के अनुलूप हैं—

3.1 प्रसंस्करण एककों की न्यूनतम अपेक्षाएँ, वातावरण, बनावट और अधिकारियम प्रसंस्करण एकक के आसपास के क्षेत्र ऐसे होंगे कि उन्हें प्राप्तिनियनक गंध, धूम, धूल और अन्य संदूषणों से मुक्त रखा जा सके। प्रसंस्करण, एकक के आमपास बनावट, कृषि का ठेंर, पशुगृह, लौलन थोड़ा, अस्वच्छ मूलालय नहीं होने चाहिए, जिससे स्वच्छता संबंधी कठिनाई उत्पन्न न हो सके। धूल और अन्य संदूषणों से बचाने के लिए प्रसंस्करण क्षेत्र के अभी निकटतम पहुंच जानी पर, जो प्रसंस्करण कर्ता के भौतिक नियंत्रण में है, कंकरीट, तारकोल विद्युत जाना चाहिए। भवन, उत्पन्न के कर्मचारियों की प्रति भीड़ को रोकने के लिए पर्याप्त आकार के होने चाहिए, निर्माण अच्छे प्रकार में किया गया होना चाहिए, और वे अच्छी रकम में होने चाहिए। वे ऐसे डिजाइन और बनावट के होने चाहिए कि कून्नकों, पक्षियों या अन्य प्रकार के प्रवेश को रोका जा सके। कंकरी सामग्री भेंडारगृह क्षेत्र में प्रवेश के लिए नाहानोन या तार की जा सके। कच्ची सामग्री भेंडारगृह क्षेत्र में प्रवेश के लिए नाहानोन या तार की जानी पर, जो जाली महिन द्वारा बरचाजे होने चाहिए। प्रसंस्करण एकक किसी स्थायी भवन में होगा, जहाँ वर्षा और बायु से उड़कर आने वाली धूग जैसे जलवायु संबंधी आम खतरों से पर्याप्त सुरक्षा रहे। विभिन्न अनुभागों का अधिकार इस ठंग में किया जाएगा कि काम न्यूनतम रूप से जल सवे। और प्रसंस्करण पूर्व अनुभाग से संभव संदूषण रोका जा सके।

बहुक्षेत्र जहाँ कच्चा माल प्राप्त और बंडारित किया जाता है उस क्षेत्र से बिल्कुल अलग रखा जाएगा जहाँ उन्नाद अन्तिम रूप से तैयार होता है या ऐक किया जाता है, जिससे तैयार उत्पाद को जीवाणु संदूषणों से बचाया जा सके। खाद्य उत्पादों के बंडार के लिए उपयोग में लाए जाने वाले खेत्र और कक्ष उनक्षेत्रों और कक्षों से अलग भिन्न होंगे जिनमें खाद्य सामग्री रखी जाती है। जिन क्षेत्रों में खाद्य सामग्री उठाई भवी जाती है वे निवास के प्रयोजन के लिए प्रयुक्त थोड़ा से पूर्णतः अलग होंगे। प्रत्येक प्रवेश द्वार पर पैर धोने के लिए न्यूनतम 1.5 मीट्री × 1.2 मीट्री का आणवित पिट रोगाणु जाशक जल सहित और हाथ धोने के लिए रोगाणु रोधक धोल सहित एक वाशिंग पॉड होना चाहिए।

छत, दीवार और फर्श

छत का डिजाइन और बनावट ऐसी होनी चाहिए कि उसे धूल, बायु और कूलतकों के इकट्ठे होने से बचाया जा सके तथा उसकी आसानी से मफाई की जा सके। छत की ऊंचाई कम से कम 4 मीटर (13 फुट) होगी, यह दरारों और खुले जोड़ों से मुक्त होगी तथा चिकनी, जलसहू और हल्के रंग वाली होगी।

प्रसंस्करण एकक की भीतरी दीवारें चिकनी, जलसहू, गृह्णी और दरारों से मुक्त, हल्के रंग वाली होगी तथा ऐसी होनी चाहिए जिन्हें कम से कम 1.3 मीटर तक की ऊंचाई तक धोया जा सके दीवार और दीवार से फर्श के जोड़ों में ऐसी गोलाई होनी चाहिए कि सफाई आसानी से की जा सके। दीवारें बड़े हुए भागों से मुक्त होनी चाहिए, और सभी पाइप और केबिल सफाई से छकी होनी चाहिए। फर्श मध्यवृत्त जलमह, शविवैन, अनवशोषी और असंक्षणीय सामग्री से बनाए जायेंगे जिन्हें आसानी से साफ और और विस्त्रामण किया जा सके। वे फिसलन और दरारों से मुक्त होंगे और उनमें अपरिषट पानी को बाहर निकालने के लिए पर्याप्त बलान होगी।

मकिख्यों से बचाव, पीड़क जल्महों और पश्चिमों पर नियंत्रण

प्रसंस्करण धोत्र में मकिख्यों से बचाव के लिए प्रभावणाली व्यवस्था की जाएगी और प्रसंस्करण क्षेत्र में अन्य कीटों कून्नकों, पक्षियों, बिलियों, कुत्तों आदि के प्रवेश को रोकने के लिए उपयुक्त उपाय किए जायेंगे। प्रवेश और निकास द्वारा के दरवाजे नायांनोन या तार की जाली से बने होंगे, अधिमानतः वोहरे दरवाजे होंगे, सभी धूम और मकिख्यों को रोकने के लिए खिल्कियों पर नाहानोन या तार की जाली नहीं होगी।

प्रकाश तथा संधारन

सभी कार्य क्षेत्रों में अच्छा प्रकाश होगा। प्रसंस्करण में जे ऊपर या उत्पाद की तैयारी के किसी भी प्रक्रम पर बलव तथा फिकमचर सीधे लटकाए जायेंगे। वे ऐसे सुरक्षित प्रकार के होंगे कि टृटने पर संदूषण को रोका जा सके। अस्थायिक उपमा, संधन और धणाजनक गंध, सदूषण धूल कण या धूए को रोकने के लिए परिमर पर्याप्त रूप से संधारित होंगे। संवातन द्वारा में पर्याप्त लगा होना चाहिए और यदि प्रवेशित हो तो उपयुक्त वायु फिल्टर लगा होना चाहिए। खिल्कियों पर भी जो सवासन के प्रयोजन के लिए खोली जाती है, परदे ऐसे होने चाहिए जो लकाई के लिए आसानी से हटाए जा सकें और वे उपयुक्त अंगरोपी सामग्री के बने होने चाहिए।

काम करने की मेजे और बर्तन

मछली उत्पादों के प्रसंस्करण के दौरान काम में आने वाली मेंजें, कार्य-मन्त्र, पात्र द्वे, टैक या अन्य बर्तन विकार, अप्रवेश, शविवैनी सामग्री के होंगे जो जंगरांध होंगे और इस प्रकार के डिजाइन और बनावट के होंगे कि स्वास्थ्य संबंधी खनरों से बचाया जा सके तथा सुगमता से अच्छी सफाई की जा सके। सभी आद्य वस्तुओं के सम्पर्क में आने वाली सतहें चिकनी गड़ों, दरारों मनुष्य के लिए हनिकारक पवारों से मुक्त होंगी और ऐसे होंगे कि उनकी आरम्भार सफाई की जा सके। और उन्हें रोगाणुनारी बनाए जा सके। मछली उत्पाद रखने के लिए प्रयोग किए गए पात्र अधिमानतः प्लास्टिक या जंगरोधी सामग्री के बने होंगे। प्रसंस्करण क्षेत्रों में लकड़ी की टोकरी, टोकरी या छवेमल किए हुए बर्तन प्रयोग नहीं किए जायेंगे। मेज की सतह स्टेनलैन स्टील या ग्ल्यूमीनियम की होगी और विकारी तथा गड़ों या दरारों से मुक्त होगी। काम वाली मेजों की व्यवस्था इस प्रकार की जाएगी कि कार्य सुगमता से किया जा सके और उनके नीचे और आसपास सफाई आसानी से की जा सके।

प्रसंस्करण क्षेत्र में जग लगा कोई भी वर्तन प्रयुक्त भवी किया जाएगा। सामग्री धोने काले टैकों के डिजाइन इस प्रकार का होंगा कि पानी उससे सभी स्थानों पर जा सके और पानी को लगातार बबला जा सके और उनमें नालों का और सुगम सफाई का प्रबंध किया जा सके। अखाड़ा और मूरुषित सामग्री के लिए प्रयुक्त बर्तनों पर विनियिट रैनीन पेन्ट होमा चाहिए, ताकि खाद्य बस्तुओं की उठाई धराई के लिए उत्पाद प्रयोग न किया जा सके। प्रसंस्करण शिवा के दोरान कार्य क्षेत्रों में अपरिषट सामग्री शीघ्र हटाने के लिए पर्याप्त अपरिषट पानी की व्यवस्था की जाएगी।

वर्तीनारी :

(क) कार्य सर्वाधिक ढांचे के समय, उत्पादन को पूरा करने के लिए प्रशीतन भ्रमना पर्याप्त मात्रा में होनी चाहिए। तथापि अत्य अनुमोदित प्रसंस्करण एकको की फालनु भ्रमना का भी प्रयोग किया जा सकता है परन्तु ऐसे प्रशीतन के लिए प्रसंस्करण कर्ता जिम्मेदार होता।

(ख) जिस प्रकार का प्रशीतन काम में लाया जाएगा वह उत्पाद की प्रकृति और पैकिंग की किस्म को देखते हुए, विशेष किस्म का होगा। उत्पाद की प्रवेशालनारात्र इस प्रयोजन के लिए प्लेट प्रशीतक या लास्ट प्रशीतक का प्रयोग किया जा सकता है।

(ग) सामग्री शीघ्र प्रशीतन होने वाली होगी।

(घ) ब्लाक प्रशीतक की ब्राने में सामग्री का तापमान $3 \frac{1}{2}$ घंटे की अवधि के दौरान 40° से 40° के बग्गेय पहुँच जाएगा।

(ङ) तापमान और ब्रान दिक्काते के लिए प्रशीतन उपकरण के माथ गेज फिट किय जाएंगे।

(च) पकाने की सभी त्रियाए मात्रा की जाएगी।

शीतागार और भंडागार.

(क) शीतागार की भ्रम स्थिति और डिजाइन इस प्रकार का होना चाहिए कि अब सम्पूर्ण स्थापन के सामान्य प्रभित्यास के साथ एकीकृत रहे और हमका प्रबालन मन्त्रियों कार्य पद्धति में लाप सके। यदि एक ही शीतागार एक से अधिक प्रसंस्करणों कलाईयों द्वारा प्रयुक्त किया जाता है तो उसे विभाजन शीबारों द्वारा अलग-अलग किय जाएगा।

(ख) प्रत्येक प्रशीतन एकक में पर्याप्त, समता वाले शीतागार होंगे। तथापि निम्नलिखित शर्तों के अधीन रहते हुए, शीतागारों की सामान्य सुविधा या प्रयोग किय जा सकता है—

(i) उचित तापमान बनाए रखना,

(ii) उपमारीची इकों द्वारा परिवहन, और

(iii) उत्पाद की प्रत्येक किस्म जैसे मैंक की टांग, शिप्रस, स्लिक्कर्स, कठन मछली, पामाइंट और समुद्री शीगों के पृष्ठ भागों को विभाजन शीबारों द्वारा अलग करने हुए डिक्कों के इस प्रकार घट्टे जाना कि उन्हें पहुँचाना जा सके।

(ग) शीतागार का उचित तापमान— 18° से 20° या उस होगा पर्याप्त मानन उसमें स्वास्थ्यान्वय तापमान अधिनेत्रन यंत्र लगे होने चाहिए। तथापि जात्र के किसी भी समय उत्पाद का तापमान 16° से 20° हो सकता है।

(घ) निरस्तर अधिनेत्रन यांत्रीटर के अभाव में शीतागार का तापमान कम से कम प्रत्येक घार घंटे में भाषा जाएगा और उसका अधिनेत्र रखा जाएगा।

(ङ) शीतागार में अच्छा प्रवाण होना चाहिए और आयु के आपानों ग ५० वाले को अप्रिय हो लिए कर्मों तथा शीबारों में 19° से 21° का ताप यथावधी होगी।

(च) शीतागार में प्रग द्वारा इस प्रशार का बना होगा कि प्रत्येक द्वारा एक पर तापमान में अधिक दृष्टि न हो जिससे अण्डारित उत्पाद पर कुप्रभाव पड़े।

(छ) पर्याप्त आकार के एक रानन कक्ष की भी तित्र अवश्य होगी। तथापि जहाँ आयु परदे के साथ स्वचालित स्विष्य यंत्र की अवश्य होगी वहाँ संलग्न कक्ष की अवश्य को प्रावधानना नहीं होगी।

(ज) शीतागार की प्रशीतक समझ हो, जस पर तर्क या हिंग के अधिक जमने को रोकने के लिए नियमित रूप से विहिमोक्ष

किया जाना चाहिए, जो श्रीतन यंत्र की क्षमता पर गंभीर रूप से प्रतिकूल प्रभाव डाल सकता है।

(झ) विहिमोक्ष के द्वारा इस बात का ध्यान रखा जाएगा कि हिम, घर्ष या पिघल कर पानी अण्डारित उत्पाद पर न पड़े।

(झ) यदि कोई व्यक्ति शीतागार के अन्दर फैल जाए तो उसे समय से महायता पहुँचाने के लिए खरने की चटी लगी होनी चाहिए।

(झ) शीतागार में सफाई संबंधी अपेक्षाओं का उसे प्रकार पानन किया जाएगा जैसे कि सामग्री की व्यवस्था करने वाले अन्य स्थापनों में होता है।

(झ) इस प्रयोजन के लिए नियमित रूप से सफाई व्यवस्था की जाएगी। जिसमें कि स्वच्छना बनाए रखना सुनिश्चित हो सके।

(झ) जिन एककों में पर्याप्त प्रसंस्करण सुविधाओं के अभाव में, कच्चा माल गत भर के लिए रखा जाता है वहाँ उपयुक्त आकार के एक घटे कमरे की, जिसका तापमान 10° से 15° या कम हो, व्यवस्था की जाएगी। वे एक जहाँ ठंडे कमरे की सुविधा नहीं है उनमें सामग्री को रात भर बर्फ में इस प्रकार रखे जाने की अनुमति नी जा सकती है कि ठंडी सामग्री का तापमान 10° से 15° में प्रधिक नहीं होगा।

(झ) सभी अपमार्जक और गमगान्धारा अलग-अलग भंडारित किए जाएंगे।

(झ) पैकिंग की सामग्री को भड़ार में रखने की प्रवण में सुविधा होगी।

(झ) अर्थात्तमाक यंत्र के मिवाय, विशेषे पदार्थ जैसे हल्ककतारी कृषकनारी, कीटानारी या स्वास्थ्य के लिए हनिकारक प्रथम पदार्थ प्रश्न बंद कमरे में रखे जाएंगे और ये सभी पदार्थ तथा उपस्कर के बल प्रशिक्षित कर्मचारियों द्वारा प्रयुक्त किए जाएंगे।

जल और बर्फ

सूख जीवों की ब्रोनीरी को कम करने के लिए पानी में अवश्य बलोरीन धूग को इच्छानुसार परिवर्तित करने के लिए बोरीनीकरण पद्धति की व्यवस्था महिला, पेय जल प्रबुर मात्रा में उपलब्ध होगा। यदि प्रसंस्करण के लिए प्रयुक्त जल, संरक्षित जल के प्रवाय स्त्रीों से भिन्न स्वास्थ से विषय जाना है तो उसकी पेयना का प्रपण-पत्र जो अधिकरण या प्रधिकरण द्वारा अनुमोदित अन्य संस्थाओं द्वारा दिया गया हो, प्रस्तुत किया जाएगा। यदि बांधकार या अन्य सहायक सेवाओं के लिए पीने के आयोग जल का प्रवाय किया जाना है तो महायक जल विनरज पद्धति और पेय जल वाहन पद्धति के बीच कोई आप संबंध नहीं होगा। यदि संचयन टकों का जल प्रयोग किया जाता है तो संचयन टकों पर्याप्त अपता आपी होगी और बांधकार संदूषणों से सुरक्षित रखा जाएगा। संचयन टकों एक मास में कम से कम एक बार अच्छी तरह साफ की जाएगी। प्रसंस्करण के लिए प्रयुक्त जल में, कलोरीन का प्रश्न कम से कम ३ पीं पीं एम द्वारा पर रखा जाएगा।

बर्फ पेय जल में बनाई जाएगी और उसका विनेशण, उठाई और धार्ता स्था संवरपन इस प्रकार किया जाएगा कि उसे सूख्यणों ने बांधकार जा सके। यदि बांधकार की ब्रानी बर्फ प्रयोग की जाती है तो यह सुनिश्चित किया जाएगा कि वह पेय जल से ब्रानी है और संदूषित नहीं है। यदि बर्फ तोड़ने की मणीन का प्रयोग किया जाता है तो उसे स्वच्छ रखा जाएगा। बर्फ को संदूषण और आंधक प्रशिक्षन से ब्रानी के लिए एक विशेष कक्ष या अन्य उपयुक्त भंडारणहों की सुविधा लीजी जाएगी।

सफाई सम्बन्धी सुविधाएं और भियम्बण

प्रत्येक इच्छे का यह युनिवरिट एनों के लिए, भारी प्रकार निरीक्षण किया जाना चाहिए कि वह कहु कहा नहीं है और उसमें कोई भी कमी

नहीं है। डिग्गो में भड़की-उत्ताव पैक करने से पूर्व वे 10 गों गों एवं कल्पतरीन ग्रन्थ पेर देगा में अच्छी तरह से साफ किए जाएंगे।

कार्य में जो, दृ वर्दनों और उपलक्ष्यकर की धूलाई साथा विवरण

प्रमाणिकरण के दौरान, प्रयुक्त नार्य मेंजों, दृ, बर्नों, कटिंग बोड, डिग्गो, उपस्कर और कार्य उपकरणों के विवरण में तथा सकाई के लिए आवश्यक मुद्रितांगों की व्यवस्था की जाएगी। बर्नन दृ, और मेज की मनक जो पैक न विद्युत ग्रन्थ के मध्यक में आती है पहले उपयुक्त ग्रामांक पदार्थ में साफ की जाएगी और अब इन में न्युनतम 50 पी फी एवं कल्पतरीन बाले जल से साफ की जाएगी ऐसी सकाई और धूलाई आवश्यकत तुमार ग्रन्थ-ग्रन्थ पर की जाएगी।

कर्म की धूलाई :

प्रसंस्करण कक्ष, दिन का कार्य आरम्भ करने से पूर्व एवं बार साफ किया जाएगा और फिर प्रत्येक पारी के अन्त में साफ किया जाएगा। इसके अंतिम ग्रामांक सकाई और धूलाई आवश्यकतानुपार की जाएगी।

मल और अपशिष्ट का विषयान :

संयंत्र से नगल और अर्ध नगल अपशिष्ट को हटाने के लिए, उत्तमा और पर्याप्त जल निकास गुणिताए होंगी। कर्म का काई भी भाग ऐसा नहीं होगा जहां पानी डकड़ा हो जाए और रुक जाए। नालें वा बिंकनी और ग्रामप्रवेश सामग्री से बचनी होंगी। तथा उनका डिजाइन इस प्रकार में होगा कि उसमें अंशक से अधिक नगल पदार्थ बह सके और उसमें बाढ़ न आए और न वह नालियों के बाहर जा सके। युक्ती नाली गों के विवरण अपशिष्ट जल ले जाने वाली नालिया उचित स्थान से मंचनित होंगी और यदि अपेक्षित हो, तो अपशिष्ट मल का हटाने के लिए फैक्ट बेसिन तक जाएगी ऐसा एक बेसिन प्रमाणकरण क्षेत्र के बाहर स्थित होना आहिए और जल सह कंगनीट या उमी प्रकार की ग्रन्थ सामग्री से बचा हो। चार्टिं। कुसकों के प्रवेश को रोकने के लिए युक्ती नालियों के जो शीशार में मृजती है, मुख पर धानु की जाली लगाई जाएगी।

अपशिष्ट जल और कूड़ा करकट के निपटान के लिए यथार्थ और ऐसा प्रबन्ध किया जाएगा कि पर्याप्त में कोई सकाई संबंधी समस्या उत्पन्न न हो। शोनालय से मल छांडा से हटाया जाएगा कि उस तक भक्तियों न दृढ़ित सके। और एककों को दिया जाने वाला पानी उसमें संकृति न हो। किसी भी दिशा में परिसर में किसी भी प्रहार का अपशिष्ट या पानी एककिस नहीं होगा।

वारवाला परितर में कूटों और पशुओं का बंजान :

कूले, शिवित्रों और अन्य पशु जो रोग करने हैं उन्हें प्रसंस्करण परिसर में न त प्रवेश करने दिया जाएगा और न उन्हें या एगों प्राप्त रुक्ते विदा जाएगा।

शौच सुविधा :

स्वच्छ प्रकार की पर्याप्त शौच सुविधाएं दी जाएंगी। शौच स्थल पर काफी प्रकाश होगा और परिसर शेत्र से ग्रन्थ नियन्त्रित होंगे। शौकान्यों में अपने ग्राप बंद होने वाले इक्स्ट्राजे, हाथ धोने का पालन तथा साबुन होगा। धोने के प्रयोजन के लिए ये जल प्रयुक्त किया जाएगा। हाथ और पैर धोने की सुविधा भी प्रसंस्करण हाल के प्रवेश द्वारा के पास ही ही जाएगी।

कर्मचारियों का स्वास्थ्य और स्वच्छता :

संयंत्र के प्रबंध संत यह मुनिश्चित करेगा कि किसी भी ऐसी घटिक को जिसके बारे में यह जान है कि वह सकामक रोग में भीड़िया है तो कामक रोग का बाहक है एकक के किसी भी क्षेत्र में कार्य करने की अनुमति नहीं दी जाती है। ऐसे रोग का आनामी में पक्ष लगाने के लिए ग्रन्थ तंत्र एकक के किसी भी क्षेत्र में कार्य कर रहे कर्मचारियों की अपेक्षा कम से कम एक बार स्वास्थ्य परिकल्पना कराएगा।

मछली के प्रसंस्करण क्षेत्र में ग्राम ग्रन्थन नाने ग्रामों कर्मचारी आपेक्षते समय अपनी अन्याधिक सकाई का छापा लेंगे और मछली

उत्पादों को अन्य पदार्थों के संकूलण में बचाने के लिए समस्त सावधानी बर्नेंगे। प्रबंध-पैक मध्ये कर्मचारियों को उनके कार्यनुसार साफ प्रबंध और मिर का पहनाओ देगा। मछली उत्पादों की उठाई धराई में प्रयुक्त दस्ताने साफ तथा स्वास्थ्यकर ढंग से रखे जाएंगे तथा अपारगम्य सामग्री से बचे होंगे। मिश्र वहां के जहा उनका प्रयोग समझद कार्य में अर्थगत हो। कर्मचारी प्रत्येक दिन का कार्य प्रारम्भ कर ये पूर्णे और अन्य प्रबन्धरों पर जहा भी आवश्यक हों अपने हाथ साबुन या किसी अन्य प्रपारम्भक पदार्थ से तथा गरम पानी से धोएंगे। कर्मचारी जब भी आवश्यक हो और विशेष रूप से प्रसंस्करण कल से पैकेक ग्रन्थालय के पालात्, और उनमें प्रवेश करने से पूर्व अपने पैर देय जल और साबुन से धोएंगे। खाना, धूमपाता, नम्बूक या अन्य सामग्री खाना, धूकना और ऐसी अन्य कोई आदान जो उठाई धराई या लाने-ले जाने के दौरान उत्पाद के संदर्भित करती है, या कर सकती है, उडाई-धराई और प्रसंस्करण थेत्र के किसी भी भाग में प्रतिषिद्ध की जाएगी। जहा स्थी पुरुष वानों नियोजित हों, वहा शौचालय, भोजन-कक्ष, कपड़े बवलने के लिए कक्ष और विश्राम कक्ष की ग्रन्थ-ग्रन्थ सुविधाएं दी जाएंगी। भोजकक्षों में भी भी कर्मचारियों के लिए बैठने की जगह हींगी और कपड़े बवलने के कक्ष में आवश्यक सीधीभाइ द्वारा कर्मचारी को लोकर की जगह ही जाएगी।

कार्य प्रटीकों के दौरान न पहने जाने वाले कपड़े और तूरे प्रसंस्करण थेत्र में नहीं रखे जाएंगे।

परिवहन सुविधाएं।

कल्चा माल केवल उष्ट्रा रोधी और प्रशोन्ति वाहनों में ही ऐ जाया जाएगा। ऐसे वाहनों के प्रयोग का पश्चात् धोया और गोगाण-धोयों से मुक्त किया जाएगा तथा इस प्रकार रवा जाएगा कि वे उत्पाद को मारूपित करने का माध्यन न बने। किसी भी प्रैक्टिकिय में परिवहन उत्पाद को ऐसे वाहनों में नहीं ले जाया जाएगा जो उत्पादोंही न हो। आवश्यक पालों और उपकरणों सहित वाहनों की सकाई नियमित रूप से की जाएगी। जिसमें उत्पुक्त ग्रामांक से रोगाण-नाशक मिलाए गए हैं ऐसे समुद्री जल या देय जल से वाहनों की नमकी से धोया भावन और सकाई की जाएगी।

अभिलेखों का रक्षा जाना :

मछली तथा मछली से वाने उत्पादों के ग्रन्थकरण पर प्रभावी नियमण गुनिश्चित करने के लिए प्रसंस्करणकर्ता इस संबंध में समय-समय पर विहित आवश्यक रजिस्टर और अमिलेश रखेंगा। यह अभिलेख और रजिस्टर अभिकरण के अधिकारियों को जब अपेक्षा की जाए, उत्पाद 'कराए जाएंगे। 3 मास के कालिक ग्रन्थालय पर डायल थमौमीट, दशावजाली, एमीटर बोल्टमीटर भारपाली, बाट आदि जैसे माध्यने वाले और अभिलेखन यंत्रों के घोषणावधन के लिए विशेष अभिलेख रखे जाएंगे।

3.2 कोई भी प्रसंस्करण एकक में, विहित के लिए ग्रामायित प्रयोक्तिवान मछली उत्पादों का कपण इमिलियाही 'मृत्युकर' महिन भोजन मूल्याकान करने के लिए और अप्रसंस्करण ग्रन्थालय पर रखेंगे। यह अभिलेख 3.1 में विहित आवश्यकताओं के अतिरिक्त निम्नलिखित प्रतिरिक्त मुखियाओं का भी प्रबन्ध कर सकता है।

(क) प्रसंस्करण एकक में, विहित के लिए ग्रामायित प्रयोक्तिवान मछली और मछली उत्पादों का कपण इमिलियाही 'मृत्युकर' महिन भोजन मूल्याकान करने के लिए प्रसंस्करण ग्रन्थालय पर रखेंगे। यह अभिलेख और संहित संचारी होंगे।

(ख) ऐसे कर्मचारियों में निम्नलिखित आहंताओं में से कोई एक अहंता होनी आहिए।

1. विशेषज्ञानक विधान में ग्राम 'हींगी' मरणान से मन्त्र विज्ञान / प्रसंस्करण में उपाधि / डिज्लीमा, या

2. प्रशान्ति मछली और भाड़ली उत्पादों के परीक्षण और विवेचण में कम ये कम 2 उत्पादों का अनुभव नियंत्रित विज्ञान में शारीरिक।

(प) एकक में पामफिट, कटल मछली, स्कॉबीड्स और समुद्री शीतों में भिन्न मछली और मछली उत्पादों के लिए अपना योड होना चाहिए या भारत सरकार द्वारा आण्यित समुद्री उत्पाद नियंत्रित विकास प्राधिकरण द्वारा अनुमोदित यितरी लालन योड के ग्राह शीलने का प्रश्न होना चाहिए।

(घ) एकक के पास, नियंत्रित के लिए आण्यित प्रशीनित मछली और मछली उत्पादों का विषेषण और परीक्षण करने के लिए आवश्यक उपकरणों और अनुभवों सहित अपनी प्रयोगशाला होती।

(इ) प्रसंस्करण के लिए एकक के पास कल्जी सामग्री के प्राप्त होने से लेकर पैकिंग तक के लिए अपना अनुच्छेद से और अलग थोड़ा होगा।

3. प्रसंस्करण एकक का अनुमोदन :

नियंत्रित के लिए प्रशीनित मछली और मछली उत्पादों का प्रसंस्करण करने का इच्छुक प्रसंस्करणकर्ता अपने योगा करने की आशय की सूचना लिखित रूप में परियोग द्वारा विहृत प्राप्ति में अभिकरण के निकटतम कार्यालय को देंगा। ये सूचना प्राप्त होने पर अभिकरण के प्रयोगी प्रसंस्करण एकक में उपलब्ध प्रसंस्करण सुविधाओं की पर्याप्तता की जांच करने के लिए प्रसंस्करण एकक में जाएंगे। यदि वह पाया जाता है कि एकक में ये न्यूनतम सुविधाएं जो इन नियमों में विहृत हैं विद्यालयान हैं तो परियोग द्वारा इस प्रयोग के लिए गठित विशेषज्ञों का पैनल एकक में सुविधाओं की पर्याप्तता की जांच करेगा और यदि आवश्यक कार्रवाई के लिए वह अपने अनुमोदन या अनुमोदन की अभिकरण को मिकारिश करेगा। पैनल की विफारिश प्राप्त होने के पश्चात हित के भीतर अभिकरण या तो एकक को अनुमोदित करेगा और उसे नियंत्रित के लिए प्रशीनित मछली और मछली उत्पादों का प्रसंस्करण करने की अनुमति देंगा या उसे अनुमोदित नहीं करेगा और प्रसंस्करण कर्ता को नियंत्रित के लिए प्रशीनित मछली और मछली उत्पादों का प्रसंस्करण की अनुमति नहीं देगा। अनुमोदन देने के पश्चात अभिकरण के अधिकारी पैनल द्वारा अनुमोदित प्रयोगों के पालन का सुनिश्चित करने के लिए ऐसे एकक में नियमित प्रतिशतों पर कानूनिक निरीक्षण करेगा। अभिकरण के अधिकारी प्रशीनित शास्त्र में जीवाणुय परीक्षणों के लिए और यूनिट में इन्हिसमाही परीक्षण के लिए उन एककों के नमूने भी लेंगे जिनमें ऊपर चौंड 3.2 के अधीन विए गए प्रबंध हैं।

3.3.2 विवरणमोदन :

यदि एकक अनुमोदित नहीं किया जाता है तो पैनल द्वारा लेखद़्वारा की गयी कमिया बनाते हुए, उसकी संगूचना प्रसंस्करणकर्ता को लिखित रूप में दी जाएगी। पैनल द्वारा बनाई गयी कमियों को दूर करने के पश्चात प्रसंस्करणकर्ता उसके द्वारा कमियों को दूर करने की बाबत विस्तृत रिपोर्ट सहित एक नया आवेदन अभिकरण को प्रस्तुत करेगा। इस आवेदन की प्राप्ति पर अभिकरण को प्रस्तुत करेगा। इस आवेदन की प्राप्ति पर अभिकरण ऊपर वैग 3.3.1 में वर्णित कार्यवाही करेगा।

3.3.3 अनुमोदन का वापस लिया जाना :

प्रसंस्करण यूनिट को किसी भवित्व दिया गया अनुमोदन अभिकरण के अधिकारियों द्वारा ऊपर स्तम्भ 3.2 के अधीन यूनिट के माध्यम के कानूनिक निरीक्षणों और निरीक्षणों के दौरान लिए गए नमूनों की परीक्षण रिपोर्टों के आधार पर, प्रसंस्करण-कर्ता द्वारा गूचना प्राप्ति की तारीख से 7 दिन के पश्चात संवैधित प्रसंस्करणकर्ता को निम्नलिखित किसी भी कमी के लिए सूचना देने हुए वापिस ले लिया जाएगा परन्तु यह तब जब कि प्रसंस्करणकर्ता ने इन 7 दिनों के भीतर कोई उपचारी कदम न उठाए हो:

यदि प्रसंस्करण उपचार, मरीनी और भाड़ा युविधाएं अक्षयी दण्ड में नहीं है, यदि एकक की स्थानीय संवैधी और सकारात्मक संबंधी व्यवस्था संसोष्जनाक नहीं है,

यदि प्रति जारी के लिए लिए गये नमूने प्रतिनिधित्व मालिकों के अनुसार नहीं हैं। एटी प्रसंस्करणकर्ता नियंत्रित विज्ञान में आवश्यक पर जारी विए गए अनुदेशों का उल्लंघन किया है या जानवर का उल्लंघन करने का प्रयत्न किया है, प्रसंस्करण कर्ता को ऊपर 3.2 की अनिवार्य अवधारणों के अधीन किसी भी समय द्वारा गया अनुमोदन की वश में, वह वापिस ले लिया जाएगा परन्तु यह तब जब कि —

उत्तर उल्लिखित कमियों में से कोई कमी नहीं जारी है।

प्रसंस्करणकर्ता द्वारा नियंत्रित की गयी प्रणाली मछली और मछली उत्पादों की व्यापारिकी के विषय में विदेशी श्रेत्रों से शिकायतें प्राप्त होती हैं। आवान करने वाले देश द्वारा प्रशीनित मछली और मछली उत्पादों के 2 परेषण नियम अधीक्रृत कर दिए गए हैं।

अनुमोदन के द्वेष वापस दिए जाने की मूलना प्रसंस्करणकर्ता को लिखित रूप में दी जाएगी।

3.4 अनुर्नमोदन :

जिस एकक का अनुमोदन यापन ने लिया गया है, वह कमियों को दूर करने के पश्चात अभिकरण में नया अनुमोदन लेने के लिए नया आवेदन कर सकेगा।

जाग 3.3.3 में दिए गए कानूनों से यदि किसी भी समय उत्पादों की अनुस्पत्ता को विनियोगों के अनुसुप्त बनाए रखने में कठिनाई होती या अभिकरण द्वारा नियंत्रित के लिए उल्लंघन करने के विवेद दिए जाने हैं तो प्रसंस्करणकर्ता अभिकरण को समुचित करने हुए नियंत्रित के लिए उल्लंघन लिखित कर देगा। नियंत्रित के लिए प्रसंस्करण सभी पुनर्गम्यता किया जाएगा जब उसके लिए अभिकरण लिखित में अनुमोदन देना है।

3.5. प्रसंस्करण :

प्रसंस्करण कर्ता मकाम तकनीकी कर्मचारियों के पर्यवेक्षण में केवल अनुमोदित एककों में ही प्रसंस्करण करेगा।

प्रसंस्करण के लिए केवल ऐसे कल्जी सामग्री, जो ताजी, स्वच्छ स्वास्थ्य-कर जीविकी विशिष्ट आकृति स्वरूप रूप वाली ही ही स्वीकृत की जाएगी।

4. निरीक्षण :

नियंत्रित के लिए आण्यित प्रशीनित मछली और मछली उत्पादों का निरीक्षण परेषण में इसरो उपचार अनुमोदी 11 के अनुसार नमूने लेकर जहां कही आवश्यक हो, परीक्षण और जोख करने के लिए वे इस दृष्टि से किया जाएगा कि परेषण केन्द्रीय सरकार द्वारा अधिकारियम की धारा 6 के अधीन मान्यता प्राप्त मात्रक विनियोगों के अनुसुप्त हैं।

5. निरीक्षण का आधार :

नियंत्रित के लिए आण्यित प्रशीनित मछली और मछली उत्पादों का निरीक्षण इस दृष्टि से जाएगा कि वह केन्द्रीय सरकार द्वारा अधिकारियम की धारा 6 के अधीन मान्यता प्राप्त मात्रक विनियोगों के अनुसुप्त है या तो,

(क) यह गुनिष्ठित करने के लिए विनियोग की प्रक्रिया के द्वारा नियम 3 में विनियोग स्वालिली विनियोग अव्याप्तों का प्रयोग किया जाता है।

(ख) नियम 3 के उपनियम 3.2 के विवाद नियम 3 और 4 के अनुसार किए गए निरीक्षण के आधार पर

(ग) योनों द्वारा

6. निरीक्षण की प्रक्रिया और प्रसंस्करण

6.1. प्रशीनित मछली और मछली उत्पादों के नियंत्रित करने का हजारुक नियंत्रितकर्ता नियंत्रित करने की गूचना नियंत्रित किए जाने के लिए

प्राथमिक परेषण के विवरण सहित अधिकरण के विकल्पमय कार्यालय को विभिन्न प्राप्ति में (परिषिक्षण 1 देखिए) भेजा जाएगा।

6.2 क्रमण: नियम 5 (क) और 5 (ख) के अधीन निरीक्षण के लिए दिए गए परेषणों के संबंध में ऐसी प्रत्येक सूचना अधिकरण के कार्यालय में, नियांतकर्ता के परिषद से परेषण के लिए जाने की प्रत्याशित सारीकार में कम से कम 4 दिन या 10 दिन भूर्त घटक जाएगी।

6.3. नियम 6.1 के अधीन सूचना प्राप्त होने पर अधिकरण नियम 5 के अधीन उपर्युक्त निरीक्षण और परिषद द्वारा इस मंबंध में जारी किए गए अनुदेशों के आधार पर, यदि कोई हो, अपना यह समाधान कर लेने पर कि परेण्य उस को सागू मानक विनिर्देशों के अनुसार प्रसंस्कृत और ऐसा किया गया है प्राणीतित मछली और मछली उत्पादों के परेषण की नियन्त्रिय धौपिणी जाने हुए, यथास्थिति, 4 दिन या 10 के भीतर प्रमाण-पत्र जारी करेगा। परन्तु जैसा अधिकरण का इस प्रकार समाधान नहीं होता वही अथा यथा नियांति उक्त 4 दिन या 10 दिन की अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इकार कर देगा और ऐसे इकार की सूचना उसके कारणों में नियांतकर्ता को देगा।

6.4 उच्च विधीकरण

प्रमाणीकरण के प्रस्ताव अधिकरण का भंडार में, परिचक्रम में या प्राप्ति पर परेषण की व्यालिटी पुन विवाच रहने का अविकार होता है। परेषण इन स्तरों में से किसी भी स्तर पर मानक विनिर्देशों के प्राप्तान पाए जाने पर भूल दिया गया प्रमाण-पत्र द्वारा नहीं दिया जाएगा।

6.5 विधिमाला:

6.5.1 जिए किए गए प्रमाण-पत्र लौट के अनुंतोत्तर को तारीख से 25 दिन के लिए विधिमाला होंगे। यदि विभिन्न दिनों में स्क्रॉल एक से प्रत्यक्ष लैट के एक ही प्राप्तना पत्र पर सिद्धा गया है तो प्रमाण-पत्र की विधिमाला स्वीकृति के सबमें पहली तारीख से मंगित की जाएगी।

6.5.2 यदि परेषण प्रमाण-पत्र की विधिमाला को व्रद्धि के भीतर पात पर लाता नहीं जाता है तो संबंधित लैटों का केवल इन्विटेशन के अधिकरण करने से हुए अनुसूची II की नमूना मारणों के अनुसार परेषण किया जाएगा। ऐसे मामलों में, विधिमाला नियरीक्षण की ममति की तारीख से 10 दिन की अवधि के लिए और बढ़ा दी जाएगी।

6.5.3 ऐसे परेषण की विधिमाला की व्रद्धि के दौरान अकलियत कारणों से जैसे पतन हड्डताल, कर्मकारों द्वारा धैरे काम, पीत पर अग्न का उपनिषद न होता आदि के कारण पीत पर लादे नहीं जाने हैं नियांति नियरीक्षण अधिकरण के स्थानीय प्रदान अधिकारों द्वारा 15 दिन से अनधिक अवधि के लिए नदर्य विधिमाला। बढ़ा दी जाएगी जहां प्रत्येक मामले की

पुणागृण के अनुसार इस प्रकार की अनुप्रय अवधि भेजे जैसे वह अपने विवेक का प्रयोग करेगा। नियांति यही सामग्री पात वराने के लिए जीतागार में से निकाली जाती है और किसी कारण से वापिने के जाई जाती है तो विधिमाला इन्डियानी ही नियरीक्षण करने के परवान हो बद्दार्ड जाएगी अव्यया नहीं।

7. नियरीक्षण का स्थान:

इन नियमों के प्रयोगजन के लिए प्राणीतित मछली और मछली उत्पादों का नियरीक्षण प्रसेस्करणकार्ट के परिसर पर और/या नियांति नियरीक्षण अधिकरण की प्रयोगगाला में किया जाएगा। प्रसेस्करणकार्ट अधिकरण की सभी आवश्यक भुगतान देगा ताकि वे ऐसा नियरीक्षण कर सकें।

8. नियरीक्षण कीस:

8.1 नियांति कली द्वारा अधिकरण को नियन्त्रित दरों पर कीस दी जाएगी:

नियरीक्षण कीस की दर:

नियम 5 (ख) के अनुसार नियम 5 (क) और 5 मार्क नियरीक्षण के लिए (ग) के अनुसार नियरीक्षण कीलोप्राप्त या उस अवधि के प्रति किलोप्राप्त के भाग के लिए या उसके भाग के लिए ऐसे

प्रशीतित शिप्रम	15	8
प्रशीतित समुद्री भींगे	28	14
प्रशीतित कटल मछली	10	5
प्रशीतित इकबद्दस	5	5
प्रशीतित पार्फिट	10	5

8.2 नियांतिकार्ट अधिकरण को खंड 6.5.2 के अनुसार किए गए नियरीक्षणों के लिए कीस खंड 8.1 में दिया दिया जाएगा।

9. अपील:

अपर नियम 6 के अधीन नियांति-योग्यता का प्रमाण-पत्र जारी करने से इकार करने से अपित कोई अविक्षित ऐसे इकार की संसूचना प्राप्त होते हैं 10 दिन के भीतर केवल एकदोष भरकार द्वारा इस प्रयोगजन के लिए नियुक्त विषेषज्ञों के पैनल को, जिसमें कम से कम 3 और अधिक से अधिक 7 व्यक्ति होंगे, अपील कर सकेगा।

2. विषेषज्ञों के पैनल की कुल सदस्य संख्या के कम से कम दो तिहाई सदस्य और सकारात्मक होंगे।

3. पैनल की गणपूर्ति तीन से होती है।

4. अपील, प्राप्त होने से, 15 दिन के भीतर नियदा दी जाएगी।

उपर्युक्त-II

1. प्रशीतित भींगा मछली (शिप्रस) के लिए विनिर्देश

प्रावधानकरण के लिए

क्रम सं.	विशेषताएं	पूरी और सिर सहित छिलके सहित प्रकार का	छिली हुई रहित छिली हुई और पके प्रकार का शिरा रहित प्रकार का
1	छिलके का रंग	ताजे पकड़ी गई भींगों मछली की प्राकृतिक रंग विशेषता	तुरल्म पकाई गयी भींगा मछली का प्राकृतिक रंग विशेषता
2.	नियंत्रित करण	संतुलित नियंत्रित करण से मुक्त	संतुलित नियंत्रित करण से मुक्त
3.	मास का रंग	ताजा भींगा मछली की विशेषता	विशिष्ट रंग

1	2	3	4	5
4. छिलकों या मांस के काले धब्बे	काले धब्बे से मुक्त	शून्य	शून्य	
5. मांस का रूप	टोस और संगत	टोस और संगत	टोस और संगत	
6. गंध	ताजा शींगा मछली की विशिष्ट गंध	किसी भी दूर्वाला या विजातीय गंध की अनुपस्थिति	ताजे पकाई हुई शींगा मछली की गंध	
7. बास	ताजा शींगा मछली की विशेषताएँ	विशेष बास	विशेष बास	
8. प्रधिकरण 37° सें. ग्राम पर कुल प्लेट	10,00,000	10,00,000	10,00,000	
9. प्रधिकरण प्रति ग्राम ५० कोली संख्या	20	20	शून्य	
10. प्रति ग्राम अधिकरण कोलोनेस जीव गुणालु संख्या	100	100	100	
11. सालमोनेल्ला और एसीसोना	शून्य	शून्य	शून्य	

सामग्री छूल, कीटों या बाल या भ्रायति जनक बाह्य पदार्थ और किसी भी विवेते तथा हानिकारक पदार्थ और निम्निकृत रक्षायन योग्य से मुक्त होगी।

प्रशीति शींगा मछली (शिव्रस)

संकेतन

प्रशीति ब्लाक पर एक संकेत पर्ची होनी चाहिए। संकेत पर्ची पर प्रसंस्करणकर्ता का संकेत नाम, उत्पाद का नाम और प्रकार प्रसंस्करण का वर्ष, नाम और उसकी तारीख होती। ब्लॉग-ब्लॉक यीक्षण प्रशीति वीक्षण (५० प्र० प्र००) की वजा में संकेत पर्ची प्रावधानिक डिल्ले के बावर विषयक होती है। संकेत पर्ची को संकेतनरों में विस्तृत करने का उदाहरण नीचे दिया गया है:—

“एक्स बाई एक एस वी बी
7 ए 05”

जहां उपरोक्त उदाहरण में:—

एक्स बाई—संकेत में प्रसंस्करणकर्ता का संकेत नाम
एक एस—प्रशीति शिव्रस
वी बी—उत्पाद का प्रकार (यहां छिली हुई और शिरा रहित प्रकार)
7—प्रसंस्करण का वर्ष (यहां 1977 है)
ए—प्रसंस्करण नाम (यहां जनवरी) और,
05 प्रसंस्करण की तारीख (यहां नाम का पांचवा दिन)

निम्नलिखित संकेतन उत्पाद के प्रकार, वर्ष के नामों के लिए प्रयोग किए जाएंगे:—

उत्पाद का प्रकार	संकेतन
1. पूरी	पू०
2. शिर रहित	सि० र०
3. गोल पंचा पूँछ	ग० गो० ग०
4. पंचा पूँछ शिरा रहित	प० प० शि० र०
5. पंचा पूँछ नितली	प० प० ति०
6. छिली हुई और शिरा रहित या कच्ची छिली हुई	छि० रि० र०
7. छिली हुई और शिरा रहित	छि० रि० र०

8. पकाई हुई और छिली हुई	प० छि०
9. छिली हुई और पकाई हुई	छि० प०
10. छिली हुई, शिरा रहित और पकाई हुई	छि० शि० र० प०
11. पूरी पकाई हुई	प० प०
बास	संकेतन
जनवरी	न]
फरवरी	न]
मार्च	ग]
प्रैंगल	प
पैद	प
जून	प
जुलाई	ल
अगस्त	ल
सितम्बर	मा
अक्टूबर	ह
नवम्बर	ठ
दिसम्बर	ड

2. प्रशीति शींगा या शींगा के नाम के लिए विविध नामांकन

प्रशीति शींगा का पृष्ठ भाग ताजे शींगे से प्राप्त पृष्ठ भागों के शींगे प्रशीतन द्वारा तैयार किया जाएगा। प्रसंस्करण सफाई से रखे गए परिसर में किया जाएगा। गलाने पर मामी का स्वच्छ और आकर्षक विशिष्ट रूप होगा, और हर प्रकार से सजबूत, सामूत प्रकार स्थिति तथा शींगों से मुक्त होगी। मास ताजे पकड़े गए शींगों के विशिष्ट रूप और गर्व वाला होगा तथा उसमें रंगाराग या तुरंत नहीं होगा। मामी भींगे, रेत छूल तथा किसी अन्य प्रत्यक्षजनक बाह्य पदार्थ से मुक्त होगी।

व्यापार नाम	वैज्ञानिक नाम	जाति पर आधारित प्रकार	प्रकार श्रेणी अ०प्र०५०	श्रेणी व्याक पैकेज सं० प्रति ग्राम/दूल से में भार पर ५३० ग्राम आधारित	जीवाणुवीक नाम
चट्टानी शींगा	पैमुलिरस जाति	1. बर्फिला सफेद से सफेद	१००९/प्रथिक ७९४/१०८	लागू नहीं होता	कुल प्लेट बंडल

1	2	3	4	5	6
		३ गुलाबी की आर हत्ता	६८०/७९३		ग्राम
		गलाबी	५६७/६७९		अधिकारम्
			१५८/५६८		५०००००
			३४१/४५४		२ ई काली
			२८१/३४०		प्रति ग्राम
			२२७/२८३		अधिकारम्
			१७१/२२६		—२०
			११४/१७०		३ कालेस जीवित
			५७/११३		जीव
			२९/५६		प्रति ग्राम सल्पा अधिकारम्
			२९ मे कम		४ सालमोमैला
					शून्य
गहरे झीगे	धूषसू आति	१ बर्फिला सफेद गो गफेव	१७१/प्रधिक	लागू नहीं होता	
			५७/११३		
		२ हुल्के सफेद मे हल्का भर्ग	२९/५६		
			२९ मे कम		
गहरे समुद्री झीगे पेर्स्लम जानि		१ बर्फिले सफेद म सफेद	१७१/प्रधिक	४/४	
			११४/१७०		४/८
		२ हुल्के गलाबी से गुलाबी झी भोर	५७/११३		९/१५
			२९/५६		१६/२०
			१५/२८		२१/२५
					२६/३०

पैकिंग और अडिक्टिवरण — प्रशीतन से पूर्व झीगा मछली के पृष्ठ भाग को प्रलग-प्रलग आद्रेतासह फिल्म से लपेटा जाएगा या खड़ा मे उसको रखा जाएगा। प्रशीतित उत्पाद यहरायार गते के छिपो मे पैक किया जाएगा। प्रशीतित उत्पाद ऐसे कक्ष मे सचय किया जाएगा जिसका सापमान 18° से ०५० या अम होगा।

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पूरे झीगे और झीगो के मास की तर्क मे, आकार श्रेणी और पैकिंग त्रिता की अपेक्षाओं के अनुसार होगी।

प्रशीतित झीगे

प्रशीतित झीगो के छिपो के लिए संकल पर्वी प्रार्थिक छिपो के अवैदेय रख दी जाएगी “मकेन्सो सेक्सेपाक्शरों मे विनिहार करने का उदाहरण नीचे दिया गया है

“एकम बाई एम टी डी एस
७८०००”

जहां उपर्युक्त उदाहरण मे—

एक्स बाई—प्रसस्करणकर्ता का सकेत नाम

झी ०५०८०—झीगे का पृष्ठ भाग

०५०—उत्पाद का प्रकार (यहां गहरे समुद्री झीगा)

७ प्रसस्करण का वर्ण (यहां १९७७ है)

८—विनिर्माण का मास (यहां जनवरी है)

०५—प्रसस्करण की तारीख (यहां मास का पांचवा दिन है)

निम्नलिखित सेक्सेपाक्शर उत्पाद के प्रकार और वर्ष के मासों के द्वारा प्रयुक्त होता है—

उत्पाद का प्रकार

सेक्सेपाक्शर

जल्दीहोनी झीगा या पूरा झीगा

८० झी० च० झी० पू०

रेनीला झीगा या रेनीला पूरा झीगा

८० झी० र० झी० पू०

गहरे समुद्री झीगे

८० म० झी० झी० म०

मास

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फरवरी

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३ प्रशीतित पार्मिकट के लिए विनिर्देश

माध्यमण

प्रशीतित पार्मिकट माफ स्वास्थ्यकर (गोर्ड) और नाजे पार्मिकटों को शीघ्र प्रशीतित करके तैयार किया जाएगे। प्रसस्करण मकाई से रखे गए परिसर मे किशा जाएगा। सामयों का शीघ्र प्रशीतित किया जाएगा।

व्यापार नाम	वैज्ञानिक नाम प्रकार	आकार श्रेणी भ्र०प्र० पै० (भासी/टुकड़ों के भार पर आधारित)	जीवाण्डीय भानक		
1	2	3	4	5	6
प्रशीतित पाम्फिट	1. पैम्पस जाति 2. स्ट्रॉमैटिग्रम जाति	मफेंट पाम्फिट	बड़ा मध्यम छोटा	450 से अधिक 301 से 450 200 से 300	1. कुल फ्लेट संडब्या प्रति ग्राम अधिकतम 5,00,000 2. इ० कोलो प्रति ग्राम अधिकतम 2,0 3. कोम्पाग्नेस जीवित जीव गुणशाला संडब्या 4. सालमोनेल्सा—शाखा
प्रशीतित भूरे पाम्फिट	1. पेराम्फामटिका जाति 2. पैम्पस जाति काले पाम्फिट		बड़े मध्यम छोटे	100 से अधिक 701—1000 450—700	

किंग और भण्डारण—प्रशीतित पाम्फिट आद्वताराह फिल्म में उपयोग की जायेगी। प्रशीतित उत्पाद रामद्रु यात्रा योग्य गतियों के लहरावार डिब्बों में वैक किए जायेंगे। प्रशीतित सामग्री ऐसे कम में सचित की जाएगी जिसका तापमान 18° सेंट्रो या कम होगा।

प्रशीतित पाम्फिट

संकेतन

प्रशीतित पाम्फिट के डिब्बों के लिए संकेत पर्ची प्राथमिक डिब्बे के अंदर रखी जाएगी या लाक प्रशीतित उत्पाद की बृशा में संकेत पर्ची प्रशीतित खंड में अन्तर्गतित भी जाएगी। संकेतपाक्षर में संकेत पर्ची को चिन्हित करने का उत्पादन नीचे दिया गया है:—

एकम बाई एक पी डब्ल्यू

7 ए 05

जहां उपरोक्त उत्पादन में—

एकम बाई—प्रसंस्करण करने का संकेत नाम

प्र० पा०—प्रशीतित पाम्फिट

स—सफेद

7—विनिर्माण का वर्णन (यहां 1977 है)

ए—विनिर्माण का नाम (यहां जनवरी है)

05—विनिर्माण की तारीख (यहां माल का पांचवां दिन है)

निम्नलिखित संकेतपाक्षर उत्पाद के प्रकार और वर्णन के मासों के लिए प्रयुक्त होता है—

उत्पाद का प्रकार	संकेतपाक्षर
सफेद पाम्फिट	स०
काले पाम्फिट	का०
भूरे पाम्फिट	भ०

व्यापार नाम	वैज्ञानिक नाम	मास के रंगपर आधारित प्रकार	प्रकार श्रेणी वैक का प्रकार	प्र०फ्ल० ग्राम	जीवाण्डीय भानक
कट्टल मछली	1. मैरिया जाति 2. सेपीला जाति 3. सिम्पलेक्योथिस जाति	1. सफेद 2. दूधिया सफेद	(i) पूरी (ii) फ्लेट वैक (iii) रोली भैंस वैक अ०प्र०प०	३०/१० 11/२० 21/३० 3/४ ५/६— ७/८ ९/१०	1. कुल फ्लेट संडब्या प्रधिकतम प्रति ग्राम 1,00,000 2. इ० कोलो स० प्रति ग्राम अधिकतम 3. कोम्पाग्नेस 3. सं० प्रति ग्राम अधिकतम 100
स्विकृतम	1. लोकाशगो जाति 2. सेफियोट्यूथिस जाति 3. लोलिग्रालम जाति 4. यूपम्याना जाति		सी/फ्लैट 81/120 121/160 161/200 201/300 300/अधिक		4. सालमोनेल्सा शूष्मा

फिल्म और भण्डारकरण

फिल्मों को प्रतीतित करने से पूर्व आइतास है फिल्म में पृष्ठक पृष्ठक समेटा जाएगा या बांदों में रखा जाएगा। प्रतीतित उत्पाद कम से कम 5 प्लॉट बांदे समुद्र यात्रा योग्य लहरधार गतों के दिनों में ऐक किया जाएगा। प्रतीतित सांगठी ऐसे कक्ष में संचित की जाएगी जिसका तापमान 18° डिग्री से धूरी ० या कम होगा।

प्रतीतित कठल मछली और स्लिक्सू
संकेतम्

प्रतीतित कठल मछली और स्लिक्सू बाले दिनों के लिए, संकेत पर्व ग्राहीयिक दिनों के अंदर रखी जाएगी या बांद प्रतीतित उत्पाद की बांदों में संकेत पर्व प्रतीतित बांद में रखी जाएगी।

संज्ञेपालरों में संकेत पर्वों को चिह्नित करने का उदाहरण नीचे दिया गया है :—

“एक्स बाई सी एक/एक ब्यू
7 ए ०५”

यहाँ उपरोक्त उदाहरण में,
एक्स बाई—प्रसंस्करणकर्ता का सांकेतिक नाम
क.म.—कठल मछली का स्लिक्सू
७—प्रसंस्करण का वर्ष (यहाँ 1977 है)
ए—प्रसंस्करण का मास (यहाँ जनवरी है)
०५—प्रसंस्करण की तारीख (यहाँ मास का पांचवां विन है)

निम्नलिखित संज्ञेपालर, उत्पाद के प्रकार और वर्ष के मासों के लिए प्रयुक्त किए जायेंगे।

उत्पाद का प्रकार	संज्ञेपालर
कठल मछली	क०००
स्लिक्सू	स्लिक्सू
पूरी	पू०
पैलैंग ऐक	पैलै०
रोल में ऐक	रो०
मास	संज्ञेपालर
जनवरी	क
फरवरी	ल
मार्च	ग
अप्रैल	घ
मई	ङ
जून	ब
जुलाई	ल
अगस्त	ब
सितम्बर	बी
अक्टूबर	द
नवम्बर	ठ
दिसम्बर	ह

नमूदूरी-१

प्रिंसिपल के तत्व

(नियम 3 विविध)

क्रम सं०	परीक्षण या नियोजन विविधताएँ	प्रयोगादं	परीक्षण किए जाने वाले लाठ आकार/बाड़ियि नमूदों की मात्रा/संख्या	टिप्पणी
1	2	3	4	5
1.	सांगठी	3, 5 वी ली एवं उपलब्ध मलोगीन संस्थित पैथ क्षेत्रोंमें में 1100 मिली० और ही ली सी 100 मिली० में 10 से अधिक कोली- फाली और्योनियम नहीं होगी।	1 लिटर	प्रतिविवर
1. १ बाली				
1. 2 कच्ची लागड़ी	तापमात्रा	10 लीट्रीय०/प्रतिकर्तवी	1 किलोग्राम	प्रति 250 शाम या हूलै क्षाम्प के लिए
	प्रिंसिपल क्षेत्र योग्य काले वर्षे वाला पर्व तिथि तिथि के एक्टेनिय ज्ञानी	मोलक विनिर्देशों के अनुसार	-प्रयोक्ता-	प्रयोक्ता-
	जीवाणुनाशक बैरीकारी	-प्रयोक्ता-	50 शाम	एक दिन की कुल प्राप्ति सत्यम् 3.2 के अनुसार
			एक नमूदा 25 शाम से	एक दिन की कुल/प्रति दिन नियंत्रण रखने वाले की प्राप्ति एककों के लिए
1. 3 बाली	रंगहीन होगी। 100 मिली- लीटर और टी पी सी 100/मिली० में 10 से अधिक कोलीफाली नहीं होगी।	रंगहीन होगी। 100 मिली- लीटर और टी पी सी		

1	2	3	4	5	6
1. 4 डिव्हे कागज की भोटाई	निर्यातकतांशो की अपेक्षाओं के अनुसार मास्टर डिव्हो के लिए 5 प्लाई के लहरदार गत्तो में चाक्षुय स्टूनतम दोष (चाक्षुय)	1 प्रतिशत	प्रत्येक लाट		
भोटी परत ठपाई बुटिया	निर्यातकर्ता की अपेक्षानु- सार	1 प्रतिशत	-योक्ता-		
2 प्रसंस्करण					
2. 1 शुलाई	स्टूनतम 3 बार	100 प्रतिशत	प्रत्येक लाट		
2. 2 ओणीकरण सामग्री तापमान विपर्णन धब्बाय काले धन्वे बाहु पवार्य बाल एनटीओ संब्ला	15° से ० ड्रै० अधिकतम मानक विनिर्देशों के अनुसार -योक्ता- मानक विनिर्देशों के अनुसार अपेक्षा नुसार	1 किलोग्राम -योक्ता- 1 किलोग्राम 1 किलोग्राम	प्रति 250 किलोग्राम या उसके भाग के लिए		
			प्रत्येक 250 ग्राम या इसके भाग के लिए बहु		संभवा प्राकार ओणी के उच्च स्तर पर नहीं होगी। युक्ति: बच्चे में होगी।
2. 3 शुलाई	स्टूनतम तीन बार	100 प्रतिशत	प्रत्येक लाट		
2. 4 भराई सामग्री तापमान विपर्णन धब्बाय गंड काले धन्वे बाहु पवार्य	15 डिग्री से ० ड्रै० अधिकतम मानक विनिर्देशों के अनुसार " " " " " " मानक विनिर्देशों के अनुसार	1 किलोग्राम 1 किलोग्राम " " " " " " 1 किलोग्राम	प्रत्येक 250 ग्राम या इसके भाग के लिए योक्ता " " " " प्रत्येक 250 ग्राम या इसके भाग के लिए		
			प्रत्येक बैच		
	शिथिल छिलके टारे एनटीओ प्राप्ति भार	—	—		
	न्यूनतम 10 प्रतिशत और अधिकतम ओयित भार के 15 प्रतिशत अधिक	प्रत्येक ओणी में से एक डिव्हा	प्रत्येक बैच		
2. 5 जीवाणुनाशक परीक्षण	मानक विनिर्देशों के अनुसार	50 ग्राम	प्रत्येक बैच		संस्थ 3.2 के अनुसार नियंत्रण रख में बाले एकों के लिए
3. प्रशीतन					
3. 1 दू के चाक्षुय बोखह है की सकाई प्रशीतन समय प्रशीतन तापमान कठोर प्रशीतन के लिए परीक्षण	दोबों से तुक्त माझे, बुल और गंड से भृत प्रसंस्करण कर्ता की अपेक्षा- नुसार प्रसंस्करणकर्ता की अपेक्षा- नुसार योक्ता-	100 प्रतिशत -योक्ता- भराई से पहले और वैष्वात प्रत्येक चार तापमान लिखना -योक्ता- प्रत्येक प्लेट में से एक डिव्हा	प्रत्येक दिन -योक्ता- प्रत्येक चार प्रत्येक चार्ज प्रत्येक चार्ज		संस्थ 3.2 के अनुसार नियंत्रण रख में बाले एकों के लिए
					न्यूनतम प्रशीतन तापमान 40° से ० होना।
3. 2 जीवाणुनाशक परीक्षण	मानक विनिर्देशों के अनुसार	एक सकेत के अधीन प्रत्येक प्रकार में 50 ग्राम	प्रत्येक दिन का उत्पादन प्रकार में 50 ग्राम		संस्थ 3.2 के अनुसार नियंत्रण रखने वाले एकों के लिए

4. पैकिंग भण्डारकरण

मास्टर डिब्बों की पैकिंग से प्रशीतन के समय में अन्तर

पैकिंग शेष का नापमान

30 मिनट अधिकतम

18° में 0 में अधिकतम

100 प्रतिशत

100 प्रतिशत

प्रत्येक चार्ज

प्रत्येक दिन का प्रमाणकरण

शीतागार उमी अभिन्नाम

एकीकृत होगे जहा अन्य

प्रमाणकरण किया जाए

है।

शीतागारों का नापमान

द्राप परीक्षण

10° में 0 में अधिकतम

जब डिब्बों को 150 से 0 मी. को ऊर्ध्वार्थ से गिराया जाए तब न तो डिब्बे को और न ही अलंगत वस्तु को कोई हानि पहुँचे।

प्रत्येक दिन का प्रमाणकरण

प्रत्येक दिन का उत्पादन

अनुसूची II
(नियम 4 देखिए)

लाट में डिब्बों की संख्या	चुने हुए डिब्बों की संख्या
12 तक	2
13-24	3
25-40	4
41-80	5
81-120	6
121-180	7
181-250	8
251-350	10
351-500	12
501-750	14
751-1000	18
1001-1300	22
1301-1600	25
1601-2000	30
2001 से ऊपर	40

टिप्पणी 1. एक मकेत के अधीन उत्पाद का प्रत्येक प्रकार एक लाट होगा।

2. प्रत्येक मास्टर डिब्बे में से सभी स्लेटों का भौतिक सत्यापन करने के पश्चात् एक स्लेट ली जाएगी।

सूची-1
(नियम 6.1 देखिए)

प्रेषण

सेवा में,

निर्यात निरीक्षण अभिकरण

कोचीन, कलकत्ता, मुम्बई, मद्रास

महोदय,

“नियंति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की प्रमेकानुसारे निरीक्षण का प्रमाण-पत्र जारी करने के लिए परेषण का, जिसका विवरण नीचे दिया गया है, कृपया निरीक्षण किया जाए,

हम इस परेषण को निरीक्षण फीम के लिए परेषण का लिए हमारे

पर गये का चेक/ड्राफ्ट संलग्नक द्वारा स्वीकृत होता है।

हम परेषण की निरीक्षण फीम के लिए हमारे जारी गये पार्ट बुक संलग्नक से से कृपया काट लिए जाएं।

1. निर्यातकर्ता का नाम और पता :

2. विनिर्माता का नाम और पता :

3. नेत्रा का मांग सम्बालक/निर्यात सविक्षा सख्तांक :

4. परेषण का विवरण :

- (क) वस्तु का नाम
- (ख) प्रांड नाम, यदि कोई है.
- (ग) श्रेणी, आकार, आदि
- (घ) मात्रा
- (इ) पैकेजों की संख्या
- (च) गूँग्य (पोर पर्याप्त नि.श्लक सी प्राई एफ)
- (छ) पोत चिन्ह

5. उम स्थान का सही पता जहा निरीक्षण के लिए माल रखा है

6. निर्यात सविक्षा से अनुबंधित के अनुमार विनिर्देशों महित तकनीकी अपेक्षाएँ

7. पोत लदान का विवरण .

- (क) पोत में लादने की सभावित तारीख
- (ख) पोत का नाम
- (ग) प्रस्थान की तारीख
- (घ) पोत लदान की बदरगाह

8. मील का विवरण यदि कोई है,

9. कोई अन्य सबधित सूचना :

प्रमाणित किया जाता है कि ऊपर वर्णित परेषण मछली और मछली उत्पादों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1981 में निर्दिष्ट नियंत्रण के स्तरों के अनुसार अनिवार्य/प्रसंस्कृत किया गया है।

यह भी प्रमाणित किया जाता है कि विवेशी नेत्रा द्वारा स्वीकृत नियमों के लिए 3.3.2 के अनुमार अनुमोदित लाट में से है।

यह भी प्रमाणित किया जाता है कि विवेशी नेत्रा द्वारा स्वीकृत नियमों के लिए 3.3.2 के अनुमार अनुमोदित लाट में से है।

हस्ताक्षर :

पदनाम :

नियांतकर्ता की मोहर

स्थान :

तारीख

*जो लांग न हो उसे काट दें और प्राई पी क्ल सी प्रेणाली के अधीन उत्पादित परेषण की वज्ञा में काट दें।

[मं. 6(4)/80-नि.नि.तथा नि.०७०]

कुकरेसी, मी. ०८० संयुक्त निवेशक

MINISTRY OF COMMERCE

ORDER

New Delhi, the 1st May, 1982

S.O. 1623.—Whereas, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India that frozen Fish and Fishery Products should be subjected to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub rule, the Central Government in supersession of the Notification of the Government of India in the Ministry of Commerce No. S.O. 4007 dated 31st December, 1977, relating to frozen fish and Fishery Products, hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person who desires to make any objection or suggestion with respect to the said proposals may forward the same within 45 days of the date of publication of this order in the Official Gazette to the Export Inspection Council of India, Regional Office : 'MANOHAR', M.G. Road, Ernakulam, Cochin-11.

PROPOSALS

- (1) To notify that frozen Fish and Fishery Products shall be subject to quality control and inspection prior to export;
- (2) To specify the type of quality control and inspection in accordance with the draft Export of frozen Fish and Fishery Products (Quality Control and Inspection) Rules, 1982 as set out in Annexure-I appended to this Order as the type of inspection which shall be applied to such frozen Fish and Fishery Products prior to their export;
- (3) To recognise the specification as set out in Annexure-II appended to this Order as the standard specifications for frozen Fish and Fishery Products;
- (4) To prohibit the export of such frozen Fish and Fishery products in the international trade unless the same are accompanied by a certificate of inspection issued by an Agency recognised by the Central Government under Section 7 of the Export (Quality Control and Inspection) Act, 1963 to the effect that such frozen Fish and Fishery Products conform to the standard specifications and are exportworthy.

3. Nothing in this Order shall apply to the export by land, sea or air of samples of frozen Fish and Fishery Products to prospective buyers, the value of which does not exceed Rs. 500.

4. For the purpose of this order, 'Fish and Fishery Products' mean—

- I. All types of frozen prawns (shrimps)—
 - (i) Whole : Head and shell-on
 - (ii) Headless : Head removed, shell-on
 - (iii) Fantail round : Head and shell removed except on last segment and tail
 - (iv) Fantail devein : As in (iii) above, but the ned alimentary canal removed
 - (v) Fantail butterfly : As in (iv) above, but split open and arranged in required pattern

(vi) Peeled, raw peeled or peeled un-deveined	: Head and shell removed completely
(vii) Peeled and deveined	: As in (vi) above, but the alimentary canal also removed
(viii) Cooked and peeled	: As in (vi) above, but after cooking
(ix) Peeled and cooked	: As in (vi) above, but cooked
(x) Peeled, deveined and cooked	: As in (vii) above, but also cooked
(xi) Whole, cooled	: As in (i) above, but also cooked

II. All types of frozen pomfrets like—

(i) Pampus argenteus	} : White pomfrets
(ii) Stromateus Sinensis	
(iii) Parastromateus Niger	: Brown pomfret
(iv) Pampus Chinensis or Chondroplitus	: Black pomfret or Chinese pomfret

III. All types of frozen lobsters obtained from—

(i) Rock lobster	: 1. Panulirus homarus 2. Panulirus ornatus 3. Panulirus polvohaous
(ii) Deep sea lobsters	: Peurulus sewelli
(iii) sand lobsters	: Thunnus sp.

IV. All types of frozen cuttle fish and Squida processed from—

(i) Sepia pharaonis	} In the case of Cuttle Fish
(ii) Sepia Aculata	
(iii) Sepia Thrustoni	
(iv) Sepia Brovianana	
(v) Sepiella Incrmis	
(vi) Sepiella Lidiolus	
(vii) Symplectoleuthis sp.	

AND

(i) Loligo Hardwicki	} In the case of Squids
(ii) Loligo Indica	
(iii) Loligo Affinis	
(iv) Sepioteuthis Arctipinnis	
(v) Loligo Duvancell	
(vi) Loliculus Investigatoris	
(vii) Euprymna Stnodectyla	

ANNEXURE I

Draft Rules proposed to be made under section 17 of the export (Quality Control and Inspection) Act, 1963 (22 of 1963) in supersession of the export of fish and fishery products (Quality Control and Inspection) Rules, 1977.

1. Short title and Commencement :

- (1) These rules may be called the 'Export of frozen Fish and Fishery products (Quality Control and Inspection) Rules, 1982.'
- (2) They shall come into force on the date of publication in the Official Gazette.

2. DEFINITIONS :

In these rules, unless the context otherwise requires,

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;

(b) 'Agency' means any one of the Export Inspection Agencies established under Section 7 of the Act ;
 (c) 'Frozen Fish and Fishery Products' means :

I. All types of frozen prawns (Shrimps)—

- (i) Whole : Head and shell-on
- (ii) Headless : Head removed, shell-on
- (iii) Fantail round : Head and shell removed except on last segment and tail
- (iv) Fantail deveined : As in (iii) above but the alimentary canal removed
- (v) Fantail butterfly : As in (iv) above, the split open and arranged in required pattern
- (vi) Peeled, raw peeled or peeled undeveined : Head and shell removed completely
- (vii) Peeled and deveined : As in (vi) above, but the alimentary canal also removed
- (viii) Cooked and peeled : As in (vi) above but after cooling
- (ix) Peeled and cooked : As in (vi) above, but cooked
- (x) Peeled, deveined and cooked : As in (vii) above, but also cooked
- (xi) Whole, cooked : As in (i) above, but also cooked

II. All types of frozen pomfrets like—

- (i) *Pampus argenteus*
- (ii) *Stromateus Sinensis*
- (iii) *Parastromateus Niger*
- (iv) *Pampus Chinensis* or *Chondroplitus*

} White Pomfrets

- : Brown pomfret
- : Black pomfret or Chinese pomfret

III. All types of frozen lobster obtained from—

- (i) Rock lobster : (1) *Panulirus homarus*
 (2) *Panulirus ornatus*
 (3) *Panulirus Polychaous*
- (ii) Deep sea lobsters : *Pewrulus scutellii*
- (iii) Sand lobsters : *Thunnus* sp.

IV. All types of frozen cuttle fish and squids processed from—

- (i) *Sepia Pharaonis*
- (ii) *Sepia Aculeata*
- (iii) *Sepia Thrustoni*
- (iv) *Sepia Brevinana*
- (v) *Sepiella Inermis*
- (vi) *Sepiella Lidiolus*
- (vii) *Symplectoleuthis* sp.

} In case of the Cuttle Fish

AND

- (i) *Loligo Hardwickii*
- (ii) *Loligo Indica*
- (iii) *Loligo Affinis*
- (iv) *Sepioteuthis Arotiplinensis*
- (v) *Loligo Duvauceli*
- (vi) *Loligo Investigatoris*
- (vii) *Euprymna Stnodectyia*

} In the case of Squids

(a) 'Standard Specification' means the specifications of frozen prawns (shrimps), frozen lobsters, frozen pomfrets and frozen cuttle fish and squids as laid down in the Annexure II to this Order.

3. Quality Control

The Quality Control of frozen Fish and Fishery Products intended for export shall be carried out with a view to seeing that the same conforms to the specifications recognised by the Central Government under Section 6 of the Act by effecting the requirements at 3.1 and 3.2 below together with the levels of control at different stages of processing as given in the Schedule I annexed to these rules.

3.1 Minimum Requirements for Processing Units

Surroundings, Construction and Lay Out :

The surroundings of the processing unit should be such as can be kept reasonably free of objectionable odours, soots, dust or other contamination. The surroundings of the processing units shall not have any swamps, dumps, animal housing, peeling sheds or unsanitary urinals etc. nearby which might pose any sanitary problem. All the immediate approaches of the processing area which are under the physical control of the processor shall be concreted, tarred or turfed in a manner that there shall not be any room for windblown dust and other contamination. The buildings should be adequate in size to avoid crowding of equipment or personnel, well constructed and kept in good repair. They should be of such design and construction as to protect against the entry and harbourage of insects, birds or other vermin and to permit easy and adequate cleaning. The entry to the raw material storage area should be provided with nylon or wiremeshed double doors.

The processing units shall be housed in a building of permanent nature affording sufficient protection from normal climatic hazards like wind-blown dust and rain. The lay out of different section shall be such as to facilitate the smooth flow of work and to prevent possible contamination from pre-processing section.

The area in which the raw material is received and stored shall be separated from the area where the final product is prepared or packed in such a manner as to eliminate bacteriological contamination of the finished product. Areas and compartments used for the storage of edible products shall be separate and distinct from those used for the storage of inedible materials. The food handling area shall be completely separated from the area used for residential purposes. At each door of entry a foot washing pit of minimum 1.5m x 1.2m with antiseptic water and a hand washing pot with antiseptic solution shall be provided.

Ceiling, Wall and Floor :

Ceiling should be designed and constructed to prevent accumulation of dirt, condensation of steam, harbourage of rodents and should be easy to clean. The ceiling should be at least 4 metres (13 ft.) in height, free of cracks, and open joints and should be of a smooth, waterproof and light coloured finish.

Internal walls of the processing unit should be smooth, waterproof, free of pits and cracks, light coloured and easily washable upto a minimum height of 1.3 metres. Wall to wall and wall to floor junctions may be rounded to facilitate cleaning. Walls should be free from projections and all pipes and cables should be neatly covered. The floors should be constructed of durable water-proof, non-toxic, non-absorbant and non-corroding material which is easy to clean and disinfect. They should be nonslip and without crevices and should slope evenly and sufficiently to drain off water.

Fly-proofing, vermin and animal control :

The processing area shall be provided with effective fly-proofing arrangements, and other suitable steps shall also be taken to prevent entry of other insects, rodents, birds, cats, dogs, etc. into the processing areas. The doors of entry and exit have nylon or wire-mesh and shall be preferably of double door system. All the windows shall have nylon or wire mesh to prevent dust and fly.

Lighting and Ventilation :

All the working areas shall be well lighted. Light bulbs and fixtures shall be directly suspended over the processing table, or at any stage of the preparation of the product. These shall be of safety type to prevent contamination in the event of breakage. The premises should be well ventilated to prevent excessive heat, condensation and contamination with abnoxious odours, dust vapour or smoke. Ventilation opening should be screened and if required equipped with proper air filters. Windows which open for ventilation purposes should also be screened. The screens should be made easily removable for cleaning and should be made from suitable corrosion-resistant material.

Working tables and utensils :

All working tables, work surfaces, containers, trays, tanks or other utensils used during the processing of fishery products shall be of smooth, impervious, non-toxic material which shall be corrosion-resistant and shall be so designed and constructed as to prevent hygienic hazards and permit easy and through cleaning. All food contact surface should be smooth free from pits, crevices, substances harmful to man, and they should be capable of withstanding repeated cleaning and disinfection. Containers used for holding fishery products shall preferably be made of plastic or corrosion-resistant material. Bamboo baskets, wicker baskets and enamelled utensils shall not be used in the processing areas. The table top shall be of stainless steel or aluminium and shall be smooth and free from pits and crevices. Working tables shall be so arranged as to permit smooth flow of work and easy cleaning of the area underneath and around them. No item with rust on it shall be in use in processing hall.

Material washing tanks shall be so designed as to provide a constant change of water with good circulation and to have provisions for drainage and easy cleaning. Utensils used for inedible or contaminated material should be identified by specific coloured painting as such and should not be used for handling edible products. Adequate waste receptacles shall be provided for the frequent removal of waste material from the working areas during processing operations.

Machinery :

(a) The freezing capacity shall be adequate to meet the production in peak season. However, spare capacity of other approved processing units may be utilised provided the responsibility for such freezing will be that of the processor.

(b) The type of freezing employed shall be specific to the nature of the product and type of pack. For this purpose, either the plate freezer or the blast freezer may be used depending upon the requirement of the product.

(c) The material shall be quick frozen.

(d) In the case of block freezing, the material shall attain a temperature around 40°C within the period of 3-1/4 hrs.

(e) The freezing equipment shall be fitted with gauges to show the temperature and pressure.

(f) All cooking operations shall be carried out by steam.

Cold Storage and Warehousing :

(a) The location and design of the cold storage should be such that it is integrated into the general layout of the whole establishment and its operation incorporated into the flow pattern of the overall operation. In the event of same cold storage being used by more than one processor, the cold storage shall be distinctly separated by partitions.

(b) Every freezing unit shall have cold storage of adequate capacity. However, common facility cold storage may be utilised subject to the following conditions :--

(i) the maintenance of proper temperature ;

(ii) transportation by insulated truck, and

(iii) stacking of cartons in an identifiable manner separating each variety of product like frog legs, shrimps, squids, cottlefish, pomfrets and lobster tails by partitions.

(c) The ideal temperature of the cold storage shall be 18°C or less, preferably fitted with automatic temperature recording device. The product temperature may however, be—16°C at any time of checking.

(d) In the absence of continuous recording thermometre, the temperature of the cold storage shall be measured at-least every 4 hours and records maintained.

(e) The cold storage shall be well lighted and shall have wooden reapers arrangements on the floors and walls to facilitate free circulation of air.

(f) The entry into the cold storage should be so designed that on opening the entry door, the temperature shall not rise as to affect the stored product.

(g) An ante-room of suitable size shall invariably be provided. However, where air curtain with automatic switch-on device is provided, the ante-room shall not be necessary.

(h) The cooling surfaces of the cold storage should be regularly defrosted in order to avoid excessive build up of ice or frost, which may seriously affect the efficiency of the cooling system.

(i) During defrosting operation, care shall be taken to prevent any frost, ice or melt water falling on the stored product.

(j) There shall be an efficient alarm system to render timely help to persons trapped inside.

(k) The cold storage shall be subjected to the same sanitary requirement as in other material handling establishments.

(l) For this purpose, a regular cleaning schedule shall be maintained to ensure good hygienic conditions.

(m) In units where the raw material has to be stored over night for want of adequate processing facilities a chill room of suitable size, maintained at a temperature of 1°C or less, shall be provided. In the units where chill room facility is not available, the material may be permitted to be stored overnight, so iced, as the temperature of the iced material shall not be more than 10°C.

(n) All detergents and disinfectants shall be stored separately.

(o) There shall be separate facility for storing packaging materials.

(p) Toxic substances such as rodenticides, fumigants, insecticides or other substances injurious to health except fire fighting equipments, shall be kept in a separate locked room and all these substances and equipment shall be handled by trained personnel only.

Water and Ice

There shall be plentiful of potable water supply with suitable chlorination system allowing the residual chlorine content of the water to be varied at will in order to reduce multiplication of micro-organisms. If the water used for processing is from sources other than protected water supplies, a certificate of potability of the same from the Agency or institutions approved by the Agency shall be produced. If non-potable water is applied for boiler and other Auxiliary Services, there shall be no cross-connection between the auxiliary water system and the system carrying potable water. If the water is used from a storage tank, the tank shall be of sufficient capacity and shall be protected from extraneous contamination. The storage tank shall be cleaned at least once in a month. The minimum available chlorine content in water used for processing shall be maintained at 5ppm level.

Ice shall be made from potable water and shall be so manufactured handled and stored as to protect it from contamination. If ice used is from external sources, it shall be ensured that the same is made from potable water and is not contaminated. Ice crushing machine, if used shall be kept in good sanitary conditions. A special room or other suitable storage facilities should be provided to protect the ice from contamination and excessive meltage.

Sanitary Facilities and Control :

Each and every container must be inspected carefully to ensure that it is undamaged and without feasible flaws. These containers shall also be cleaned thoroughly using potable water containing 10 ppm available chlorine before they are used for packing fishery products.

Washing and disinfection of working tables, trays, utensils and Equipment :

Necessary facilities shall be provided for cleaning and disinfection of working tables, trays, utensils, cutting boards, containers equipment and working implements which are used during processing. Utensils, trays and table tops which come in contact with unpacked material shall be washed initially with a suitable cleaning agent and finally with water containing 50 ppm available chlorine. Such cleaning and washing should be done as often as necessary.

Washing of the floor :

The processing hall shall be cleaned before the day's work starts and than at the end of each working shift. In addition, the cleaning and washing shall be done as frequently as necessary.

Sewage and waste Disposal

There shall be suitable and adequate drainage facilities for the removal of liquid or semi-liquid wastes from the plant. There shall not be any floor area where may collect and stagnate. Drains should be constructed of smooth and impervious material and should be designed to cope with the maximum flow of liquid without any overflowing and flooding. The drainage lines carrying water affluent except for open drains should be properly vented and if required, run to a catch-basin for removal of the solid waste material. Such a basin should be located outside the processing area and should be constructed of water-proof concrete or other similar material. The opening of open drains, if any, which pass through walls shall be fitted with metal grills to prevent the entry of rodents.

The arrangements for disposal of sewage waste water and offal shall be done as quick as possible and shall be such that it shall not cause any sanitary problems to the neighbourhood. The sewage from the toilet shall be disposed of in such a manner that the same shall not be accessible to flies and shall not contaminate the unit's water supply. On no account shall there be accumulation of waste or water of any kind in the premises.

Exclusion of dogs, and animals from Factory premises.

The dogs, cats and other animals being potential carriers of disease shall not be allowed to enter or to live in or nearby the processing premises.

Toilet facility :

Adequate toilet facilities of sanitary type shall be provided. The toilets shall be well lit and shall be isolated from the processing area. The toilets shall be provided with self-closing doors, and with wash basins and soap. Potable water shall be used for washing purposes. Hand and feet washing facility shall be provided near the entrance of the processing hall also.

Personal health and hygiene :

Plant management shall take care to ensure that no person who is either carrier for known to be affected with a communicable disease if permitted to work in any area of the unit. In order to facilitate the detection of such disease, the management shall conduct at least yearly medical examination of the personnel working in any area of the unit.

All persons working in the fish processing area shall maintain a high degree of personal cleanliness while on duty and shall take all precautions to prevent contamination of fishery products with any foreign substance. The management shall provide clean aprons and headgears to all employees according to the nature of their work. Gloves used in handling of fishery products shall be maintained in clean and sanitised condition and shall be made of impermeable material except where their use would be incomplete with the work involved. Workers shall wash their hands thoroughly with soap or other cleaning agent, and warm water before commencing each day's work, and on every occasion after visiting a toilet before resuming work, and also on other occasions wherever necessary. Workers shall also wash their feet with potable water and soap wherever necessary, especially before entering into and after each absence from the processing hall. Eating,

smoking, chewing tobacco or other materials, spitting and any such other habit which may or is likely to contaminate the product during handling or processing, shall be strictly prohibited in any part of the handling and processing areas. Where workers of both sex are employed, separate toilet facilities, lunch rooms, changing rooms, and rest rooms shall be provided. The lunch rooms shall be provided with sitting accommodation for all employees and the changing rooms shall have enough space for lockers for each employees without causing undue congestion.

Clothing and footwear not worn during working hours shall not be kept in any processing area.

Transportation facilities

The raw material shall be transported only in insulated and a refrigerated conveyances. Such conveyances should be cleaned and disinfected immediately after each use should be maintained as not to constitute a source of contamination of the product. Under no circumstances, finished product shall be carried in non-insulated vehicles. Cleaning of the conveyances together with the necessary receptacles and equipment, shall be done on a routine basis. Hosing, scrubbing and cleaning of the conveyances with potable water of clean sea water to which a suitable detergent or disinfectant has been added shall be done.

Maintenance of Records :

Necessary registers and records as prescribed in this regard from time to time, shall be maintained by the processors in order to ensure effective control on the processing of Fish and Fishery Products and these shall be made available to the Agency Officers as and when required. Specific records shall be maintained at a periodic interval of 3 months about the calibration of measuring and recording instruments like dial thermometers, pressure gauges, ammeters, voltmeters, weighing scales, weights etc.

3.2 In addition to the requirements mentioned at clause 3.1 above, a processing unit may also arrange for the following additional facilities in their processing unit :

(a) The processing unit shall have competent and qualified personnel separately to supervise pre-processing and processing operations, to conduct physical with organoleptic evaluation and to test for bacteriology of frozen fish and Fishery products meant for export respectively.

(b) Such personnel possess any one of the following qualifications.

1. A degree/diploma in Fishery Science/processing from a recognised Institute under a University ; or
2. A degree in Science with a least two years experience in the analysis and testing of frozen Fish and Fishery Products.

(c) The units should have its own peeling sheds, in the case of FFP other than Pomfrets, Cuttlefish, Squids and Lobsters, or arrangements for peeling with a peeling shed approved by Marine Products Export Development Authority established by the Government of India.

(d) The unit shall have its own laboratory with all necessary equipment and chemicals to carry out analysis and testing of frozen Fish and Fishery products meant for export.

(e) The unit shall have its own exclusive and separate area for processing starting from receiving raw material to packing.

3.3 Approval of Processing Unit :

3.3.1A processor intending to process frozen Fish and Fishery Products for export shall inform his intention to do so in writing, in the proforma prescribed by the Council, to the nearest office of the Agency. On receipt of such intimation, the Agency Officers shall visit the processing unit in order to adjudicate the facilities for processing available in the unit. If the unit is found to have the minimum facilities as prescribed in these rules, a Panel of Experts constituted for this purpose by the Council, shall adjudicate the adequacy of the facilities in the unit and recommend its approval or disapproval to the Agency for further necessary action. Within fifteen days of receiving the recommendation of the panel, the Agency shall either approve the unit and permit it to carry out processing of Frozen Fish and Fishery products for export, or not approve the same and shall not allow the processor to

process frozen Fish and Fishery products for export. After granting the approval, the Agency Officers shall conduct periodic visits at regular intervals to such unit to ensure the maintenance of panel approved arrangements. The Agency Officers also shall draw samples for units having arrangements under clause 3.2 above for bacteriological tests in the laboratory and organoleptic examinations at the unit.

3.3.2 Non-approval

In case the unit is not approved, it shall be communicated to the processor in writing pointing out the deficiencies recorded by the panel. A processor, after rectifying such deficiencies as recommended by the panel, shall submit a fresh application to the Agency along with a detailed report in rectification of the deficiencies carried out by him. On receipt of this application, the Agency shall take the steps in 3.3.1 above.

3.3.3 Withdrawal of Approval

The approval accorded at any time to a processing unit shall be withdrawn on the basis of reports received on their periodic visits and test reports in samples drawn during those periodic visits in the case of unit under clause 3.2 above conducted by the Agency Officers, by giving a notice to the concerned processor after 7 days from the date of receipt of the notice by the processor, for any the following deficiencies provided no remedial measures are taken by the processor within these 7 days.

If the processing equipment, machinery and storage facilities are not in good working condition;

If the sanitary and hygienic condition of the unit is not satisfactory;

If the samples drawn for counter-checks fail to meet the laid down standards;

If the processor has violated/deliberately attempted to violate the provisions of the notification or instructions issued from time to time.

In the case of approval accorded to a processor at any time under additional requirements at 3.2 above, it shall be withdrawn provided that;

If any of the deficiencies mentioned above is noticed. If complaints are received from foreign buyers regarding the quality of frozen Fish and Fishery products exported by the processor.

If 2 consecutive consignments of frozen Fish and Fishery Products have been rejected by the importing country. Such withdrawal of approval shall be intimated in writing to the processor.

3.4 Reapproval

A unit whose approval has been withdrawn, may after rectifying the defects, make a fresh application to the Agency for getting fresh approval. For reasons given at 3.3.3 above, if at any time, there is any difficulty in maintaining conformity of the product to the specifications, or if there is direction by the Agency to suspend production for export, the processor shall suspend production for export under intimation to the Agency. The processing for export shall be resumed only after the same is approved by the Agency in writing.

3.5 Processing :

The processor shall carry out processing only in approved units under the supervision of competent technical personnel. Only such raw material, which are fresh, clean, whole some having the characteristic appearance, odour, colour and texture of species shall be accepted for processing.

4. Inspection :

The inspection of frozen Fish and Fishery Products meant for export shall be done by drawing samples wherever necessary as per Schedule II annexed hereto from the consignment for carrying out examination and testing of the same with a view to seeing that the consignment conforms to the standard specification recognised by the Central Government under Section 6 of the Act.

5. Basis of Inspection :

Inspection of frozen Fish and Fishery Products intended for export shall be carried out with a view to seeing that the same conforms to the specifications recognised by the Central Government under Section 6 of the Act.

either.

(a) by ensuring that during the process of manufacture the quality control drills as specified in Rule 3 have been exercised ; or

(b) on the basis of inspection carried out in accordance with rules 3 and 4 except sub-rule 3.2 of rule 3 or

(c) by both.

6. Procedure of Inspection and Certification :

6.1 An exporter intending to export frozen Fish and Fishery products shall submit an intimation in prescribed proforma (See Appendix I) giving particulars of consignment intended to be exported to the nearest office of the Agency.

6.2 Every such intimation shall reach the office of the Agency not later than 4 days and 10 days in the case of consignments offered for inspection under Rule 5(a) and 5(b) respectively before the anticipated date of despatch of the consignment from the exporter's premises.

6.3 On receipt of the intimation under Rule 6.1, the Agency on satisfying itself, on the basis of inspection carried out as provided for under Rule 5 and the instructions, if any, issued by the Council in this regard, that the consignment has been processed and packed according to the standard specification application to it, shall issue a certificate declaring the consignment of frozen Fish and Fishery products as export-worthy within 4 days or 10 days as the case may be. Provided that where the Agency is not so satisfied, it shall within the said period of 4 days or 10 days as the case may be refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefore.

6.4 Super Inspection :

Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment in the storage, in transit or at the ports. In the event of consignment being found not conforming to the standard specification at any of these stages, the certificate originally issued shall be withdrawn.

6.5 Validity :

6.5.1 Certificates issued shall be valid for 75 days from the date of acceptance of the lot. If more than one lot accepted on different days are presented in one application, the validity of the certificate shall be reckoned from the earliest date of acceptance.

6.5.2 If the consignments are not shipped within the period of validity of the certificate, the concerned lots shall be examined conducting organoleptic inspection only as per sampling scale in schedule II. In such cases, the validity shall be extended for a further period of 30 days from the date of completion of inspection.

6.5.3 For consignments not shipped within the validity period, due to unforeseen factors such as Port Strike, Go-slow by workers, non-availability of shipping space etc., an adhoc extension of validity or a period not more than 15 days may be granted by the local head of the Export Inspection Agency, where he should use his discretion in allowing this grace extension, strictly on the merit of each case. However, if the material, is taken out of the cold storage for shipment and taken back to the cold storage for any reason, the validity shall be extended only after conducting organoleptic inspection and not otherwise.

7. Place of Inspection :

The inspection of frozen Fish and Fishery products for the purpose of these rules shall be carried out at the premises of the processor and/or at the laboratory of the Export Inspection Agency. The processor shall provide all necessary facilities to the Agency to enable them to carry out such inspection.

8. Inspection Fee :

8.1 A fee at the following rates shall be paid by the exporters to the Agency :—

	Rate of Inspection Fee	
	For Inspections as per Rule 5(B)	For inspections as per Rule 5(a) and 5(b)
(Paise per kg. or part thereof)	(Paise per kg. or part thereof)	
Frozen Shrimps	15	8
Frozen Lobsters	18	14
Frozen Cuttlefish	10	5
Frozen squids	5	3
Frozen Pomfrets	10	5

8.2 For inspection carried out according to clause 6.5.2, a fee at the rate mentioned in clause 8.1 shall be paid by the exporters to the Agency.

9. Appeal :—

9.1 Any person aggrieved by the refusal of the Agency to issue a certificate of exportworthiness under Rule 6 above, may, within 10 days of the receipt of the communication of such refusal by him prefer an appeal to a panel of Experts consisting of not less than 3, but not more than 7 persons, appointed for the purpose by the Central Government.

9.2 At least two thirds of the total membership of the panel of Expert shall consist of non-officials.

9.3 The quorum of the panel shall be three.

9.4 The appeal shall be disposed of within 15 days of its receipt.

ANNEXURE II

1. Specification for Frozen Prawns (Shrimps)

Sl. No.	Characteristic	Requirement for		
		Whole type and headless shell on type	Peeled, peeled & deveined and Butterfly type	Cooked type
1. Colour of shell	Natural colour characteristic of freshly caught prawn			Natural colour characteristic of fresh cooked prawns.
2. Dehydration	Reasonably free from dehydration	Reasonably free from dehydration		Reasonably free from dehydration
3. Colour of flesh	Characteristic of fresh prawns	Characteristic colour		Characteristic colour
4. Blackspots of shell or meat	Reasonably free from black-spts	NIL		Characteristic cooked colour
5. Texture of meat	Firm and consistent	Firm and consistent		Firm and consistent
6. Odour	Characteristic odour of fresh prawn	Absence of any off odour or foreign odour		Odour of fresh cooked prawn
7. Flavour	Characteristic of fresh prawn	Characteristic Flavour		Characteristic Flavour
8. Total plate count at 37°C/gm. max.	10,00,000	10,00,000		10,00,000
9. E. coli count per gm. max.	20	20		nil
10. Coagulase positive <i>Staphylococcus</i> count per gm. max.	100	100		100
11. <i>Salmonella</i> & <i>Arizona</i>	nil	nil		nil

+The material shall be free from dirt, insect or hair, or other objectionable extraneous matter, and from any poisonous and deleterious and prohibited chemical additives.

FROZEN PRAWNS (SHRIMPS)

CODING

A code slip should be embedded on the frozen block. The code slip shall bear the marking of the name of processor in code, name and type of the product, year, month & date of processing. In case of individually quick frozen (IQF) packing the slip shall be placed inside the primary container. An illustration for making the code slips in the abbreviated form is given below :

'XYFSPD

7A 05'

Where, in the above illustration—

XY — name of the processor in code

FS — frozen shrimps

PD — type of product (here peeled and deveined type)

7 — year of processing (here 1977)

A — month of processing (here January); and

05 — date of processing (here, fifth day of the month)

The following abbreviations shall be used for type of product and months of the year :—

Sl. No.	Type of product	Abbreviation
1.	Whole	WL
2.	Headless	HL
3.	Fantail round	FL
4.	Fantail deveined	FLD
5.	Fantail butterfly	FLBF
6.	Peeled and Undeveined or raw peeled	PUD or RP
7.	Peeled and Devetined	PD
8.	Cooked and peeled	CP
9.	Peeled and cooked	PC
10.	Peeled, deveined and cooked	PDC
11.	Whole cooked	WLC

Month	Abbreviation	2. Specifications for Frozen lobsters or lobster meat.
January	A	
February	B	
March	C	
April	D	
May	E	
June	F	
July	G	
August	H	
September	J	
October	K	
November	L	
December	M	

GENERAL

Frozen lobster tails shall be prepared by quick freezing the tails obtained from fresh lobsters. The processing shall be carried out in a premises maintained in hygienic manner. The material on thawing shall be clean having an attractive characteristic appearance, and shall in every way be in a sound, intact, undamaged condition and free from defects. The meat shall have the characteristic coloured odour of that of freshly caught lobsters and shall not have any discolouration or off odour. The material shall be free from eggs, sand, dirt and any other objectionable extraneous matter.

ANNEXURE

Trade name	Scientific name	Type depending upon species	Size-grade IQF pkg. (based on wt. in gm/ per 450 gms) piece	Grade block pkg (nos.)	Bacteriological standard
Rock Lobster	Panulirus sp.	1. Snow-white to white 2. Light pink to pink	908/up 794/908 680/793 567/679 455/566 341/454 284/340 277/283 171/266 114/170 57/113 29/56	Not applicable 3.	1. Total plate count/gm. max.-5,00,000 2. E.Coli per gm. max.20 3. Coagulase positive staphylococcus count per gm. max. 100 4. Salmonella—Nil
Sand Lobster	Thunnus Sp.	1. Snow-white to white 2. Off white to light brown	171/up 57/113 29/56	-do-	
Deep sea lobster	Peurulus sp.	1. Snow-white to white 2. Light pink to pink	171/up 114/170 57/113 29/56 15/28	U/4 4/8 9/15 16/20 2125 26/30	
Packing and storage		Lobster tails shall be wrapped individually in moisture-proof film or arranged in blocks before freezing. The frozen product shall be packed in seaworthy corrugate cardboard boxes. The frozen material shall be stored in a room maintained at 18°C temp. or less			

In the case of whole lobster and lobster meat, the size-grade and packing shall be as per the requirements of the byer.

FROZEN LOBSTERS
CODING

For the cartons containing frozen lobsters, the code slip may be placed inside the primary container. An illustration for making the code slip in the abbreviated form is given below:

'XYLTDS,
7A 05'

Where, in the above illustration—

XY — name of the processor in code

—LT — Lobster tails

DS — type of product (here, deep sea lobster)

7 — year of processing (here, 1977)

A — month of processing (here, January)

05 — date of processing (here, the fifth day of the month)

The following abbreviations shall be used for type of product and month of the year:—

Type of product	Abbreviation
Rock lobster or Rock lobster	RL/RLW
whole	
Land lobster or sand lobster	S/L/SLW
whole	
Deep sea lobster	DS
Lobster meat	LM

Month	Abbreviation
January	A
February	B
March	C
April	D
May	E
June	F

Month	Abbreviation
July	G
August	H
September	J
October	K
November	L
December	M

3. Specification for frozen pomfrets.

GENERAL

The frozen pomfret shall be prepared by quick freezing the clean, wholesome (round) and fresh pomfrets. The processing shall be carried out in premises maintained in hygienic manner. The material shall be quick frozen.

Trade Name	Scientific Name	Size-grade, IQFpkg (based on wt. in gms/pcs.			Bacteriological standards
		Grade designation	wt. in gms.	4	
1	2	3	4	5	6
Frozen Silver Pomfret	1. Pampus sp. White 2. Stromateus sp. Pomfret	Large Medium Small	Above 450 310 to 450 200 to 300	1. Total plate count per gm. max.—5,00,000 2. E. Coli per gram max.—20	
Frozen Brown pomfret	1. Parastorm atus sp. Brown 2. Pampus sp. Black Pomfret	Large Medium Small	Above 1000 701—1000 450—700	3. Coagulase positive Staphylococous count per gm. max—100 4. Salmonella—Nil	

Packing & Storage} —The frozen pomfrets shall be wrapped in moisture-proof film.
} — The frozen products shall be code slips shall be packed in seaworthy corrugated cardboard boxes. The frozen material shall be stored in a room maintained at or below—18°C temp.

FROZEN POMFRETS CODING

For the cartons containing frozen pomfrets, the code slips shall be placed inside the primary container, or the code slip shall be embedded in the frozen block in case of block frozen products. An illustration for making the code slips in the abbreviated form is given below :

XYFPW
7A 05'

Where, in the above illustration

XY — name of the processor in code

FP — frozen pomfret

W — White

7 — year of processing (here, 1977)

A — month of processing (here January)

05 — date of processing (here fifth day of the month)

The following abbreviations shall be used for types of products and months of the year :—

Months	Abbreviation
January	A
February	B
March	C
April	D
May	E
June	F
July	G
August	H
September	J
October	K
November	L
December	M

4. Specification for Frozen Cuttle Fish and Squids

GENERAL

Frozen fillets of cuttle fish and squids shall be prepared by quick freezing the fillets obtained from fresh and wholesome cuttle fish and squids. The material shall not show any sign of deterioration, spoilage, dehydration: shall be free from ink and bruises. The processing shall be carried out in premises maintained in hygienic manner. The material shall be quick frozen at a temp. not exceeding —30°C within a four hours after filleting and dressing. The frozen fillets on thawing shall be clean, absolutely white or milky white in colour and shall be in a sound, intact, undamaged condition; and free from any visible defects. The product shall be free from objectionable foreign matter.

Type of Product	Abbreviation
White pomfret	W
Black pomfret	B
Brown pomfret	BR

Trade name	Scientific name	Type depending upon colour of meat	Size grade		Bacteriological Standard
			Type of pack	Count/Kg.	
1	2	3	4	5	6
Cuttle fish	1.— <i>Sepia</i> sp. 2. <i>Sepiella</i> sp. 3. <i>Symplectoleuthis</i> sp.	(i) White (ii) Milky White	(i) Whole (ii) Flat pack (iii) Rolled pack (iv) IQF pack	U/10 11/20 21/30 3/4 5/6 7/8 9/10	1. Total Plate count/gm. max. —1,00,00 2. E. coli count per gm. max. 10. 3. coagulase positive staphylococcus—per gm. max. 100
Squids	1. <i>Loligo</i> sp. 2. <i>Sepioteuthis</i> sp. 3. <i>Loliolus</i> sp. 4. <i>Euprymna</i> sp.			C/Fillet 81/120 121/60 161/200 201/300 300/up	4. Salmonella—Nil

Packing & storage :— The fillets shall be wrapped individually in moisture-proof film or arranged in block before freezing. The frozen product shall be packed in at least 5—ply see—worthy corrugated cardboard cartons. The frozen material shall be stored in a room maintained at or below -18°C temp.

FROZEN CUTTLE FISH & SQUIDS

CODING

For the cartons containing frozen cuttle fish and squids, the code slip shall be placed inside the primary container, or the code slip shall be embedded in the frozen blocks in case of block frozen products. An illustration for making the code slips in the abbreviated form is given below :—

'XY CF/SQ
7A 05'

where, in the above illustration,

XY — name of the processor in code

CF/SQ — Cuttle fish and squids

7 — year of processing (here 1977)

A — month of processing (here Jan.)

05 — date of processing (here fifth day of the month)

The following abbreviations shall be used for type of product and months of the year :—

Type of product	Abbreviation
Cuttle fish	CF
Squids	SQ
Whole	W
Flat pack	F
Rolled pack	R

Months	Abbreviation
January	A
February	B
March	C
April	D
May	E
June	F
July	G
August	H
September	J
October	K
November	L
December	M

SCHEDULE—I

LEVELS OF A CONTROL

(See Rule 3)

S. No.	Test or Inspection Characteristics	Requirements	Qty./No. of samples to be tested	Lot size/frequency	Remarks
M	2	3	4	5	6
1.	Material :				
1.1	Water	Potable quality with 3-5 ppm available chlorine. Shall not contain coliform organism more than 10 in 100 ml. & TPC 100/ml.		Every day	

1	2	3	4	5	6
1.2 Raw Material :					
Temperature	10.C/Max.	1 Kg.	Every 250 kg. or part thereof		
Discolouration					
Deterioration					
Odour					
Black Spot	as per standard specification	-do-	-do-		
Foreign Matter					
Loose Shell					
Antennae etc.					
Bact. Testing...					
1.3 Ice					
		50 gms.	A days' total arrival	For units having controls as Per clause 3.2	
		1 sample not less than 25 gms.	A days' Total Each day's arrival.		
1.4 Cartons :					
Paper thickness	As per exported requirement 5 ply corrugated carboard for master cartons. Min. Defects (Visual).	1%	Each lot		
		„	-do-		
Wax Coating					
Printing mistakes		one	-do-		
2. Processing :					
2.1 Washing	Min. 3 times	100 %	Each lot		
2.2 Grading :					
Material Temp.	15°C max.	1 kg.	Every 250 kg. or part thereof		
Discolouration	As per standard specification	„			
Deterioration					
Odour					
Blackspot	-do-				
Foreign matter	As per standard specification.	1 Kg.	Every 250Kg. or part thereof		
Shell, Antennae)					
Count					
			-do-		
				Count should not be at higher side of the size range. It should preferably be in the middle.	
2.3 Washing	Three time Min.	100 %	Each lot		
2.4 Filling :					
Material templ.	15.C max.	1 kg.	Every 250 kg. or part thereof.		
Discolouration	As per standard specification	1 kg.	-do-		
Deterioration	„	„	„		
Odour	„	„	„		
Blackspot	„	„	„		
Foreign matter	„	„	„		
Loose shell, legs	„	„	„		
Antennae etc.	„	„	„		
Weight	Min. 10% and max. 15% more than the declared weight	1 carton from each grade	Each batch		
2.5 Bact. Testing	As per standard specification	50 gms.	Each batch	For Units having control as per clause 3.2	
3. Freezing :					
3.1 Visual defects of Trays	Free from defects	100%	Every day		
Cleanliness of the Trays	Clean & free from dirt & slime.	-do-	-do-		
Freezing time	As per processor's requirement	Recording of time before & after loading	Each charge		
Freezing Temp.	As per processor's requirement	Recording of temp. before and after loading.	Each charge	Min. freezing temp. shall be 40° C.	
Test for hard freezing	-do-	On carton from each plate	Each charge		

1	2	3	4	5	6
3.2	Bact Testing	As per standard specification.	50 gms. from each type under & Code	Each day's production	For units having control as per clause 3.2
4.	Packing & Storage .				
	Time gap in packing from freezing to master cartons	30 minutes max.	100%	Each charge	Cold storage to be integrated within the same
	Temp. of packing area	18, C Max.	100%	Each day's Processing	continuous layout where other processing is done
	Cold storage	10, C Max.	→		
	Temp. Drop Test	*	3 packed cartons	Each day's production.	

*The cartons when dropped from a height of 150 gms. neither the carton nor the content shall undergo any damage.

SCHEDULE-II
(See Rule 4)

No. of Cartons in the lot	No. of master cartons to be selected
Upto — 12	2
13 — 24	3
25 — 40	4
41 — 80	5
81 — 120	6
121 — 180	7
181 — 250	8
251 — 350	10
351 — 500	12
501 — 750	14
751 — 1000	18
1001 — 1300	22
1301 — 1600	25
1601 — 2000	30
2001 and above	40

Note : 1. Each type of product under code shall constitute a lot.

2. From each of the master cartons selected one slab shall be drawn as sample after physically verifying all the slabs.

APPENDIX-I
(See Rule 6.1)

From

To

The Export Inspection Agency—
COCHIN/CALCUTTA/BOMBAY/MADRAS

Dear Sirs,

Please carry out the inspection of the consignment, particulars of which are given below, for the issuance of a certificate of inspection, as required under the Export (Quality Control and Inspection) Act, 1963.

We are enclosing a cheque/draft No. dated for Rs. on towards inspection fee for this consignment.

*The inspection fee of Rs. for this consignment may kindly be debited in our deposit account Pass Book No. which is enclosed.

65 GI/82—4

1. Name and Address of the Exporter :

2. Name and address of the Manufacturer :

3. Buyers Order No./Export Contract No. :

4. Description of the consignment:

(a) Name of the Commodity :

(b) Brand Name, if any :

(c) Grade, size etc. :

(d) Quantity :

(e) No. of packages :

(f) Value (FOB/CIF) :

(g) Shipping Marks :

5. Exact address where the goods are lying for inspection :

6. Technical requirements including specifications as stipulated in the export contract :

7. Details of shipment :

(a) Probably Date of loading into ship :

(b) Name of ship :

(c) Date of sailing :

(d) Port of shipment :

8. Details of the seal, if any :

7. Any other relevant information :

It is hereby/certified that the consignment mentioned above has been manufactured/processed in accordance with the levels of controls mentioned in the Export of Fish and Fishery Products (Quality Control and Inspection) Rules, 1981.

It is also certified that the above consignment is from the lots approved as per para 3.3.2 of the above said Rules.

It is also certified that no additional technical or quality requirements other than that mentioned at column 6 above have been stipulated by the overseas buyer.

Signature :

Designation :

Seal of the Exporter :

Place:

Date :

*Delete whichever is not applicable.

& Strike out in the case of consignment produced under IPQC system.

[F. No. 6(4)/80 EI&EP]
C.B. KUKRETI, Joint Director

भारत

नई दिल्ली, 23 मार्च, 1982

का० आ० 1624.—केन्द्रीय सरकार की राय है कि इससे उपायदृष्टि में विनियिष्ट विषय के बारे में भैसर्स सिंगरेनी कालियरी कोल लिमिटेड, के प्रबंधताल से सम्बद्ध एक शौश्योगिक विवाद नियोजकों और अनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को व्यायनिर्णयन के लिए निर्देशित करना चाहती है;

प्रतः, केन्द्रीय सरकार, शौश्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के बंद (ब) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक शौश्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री जी० प्रसाद राव होगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकारण को व्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“अनुसूची सिंगरेनी कोलियरीज कोल लिमिटेड, के प्रबंधताल द्वारा नाहुगुर डिवीजन में कर्मकारों की कालोनी के समीप किसी स्थान पर कोयला डिपो की स्थापना करने से इकार करना व्यायोचित है। यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं ?

[स० एल-21011/16/81-डी० 4-बी०]
एस० एस० महता, डैस्ट्रक्टर अधिकारी

ORDER

New Delhi, the 23rd March, 1982

S.O. 1624.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Singareni Collieries Coal Limited, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. Prasada Rao shall be the Presiding Officer, with headquarters at Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of Singareni Collieries Coal Limited, are justified in refusing to set up a coal depot at a place near the workers colony at Mahugur division ? If not, to what relief the workmen are entitled to ?”

[No. L-21011(16)/81-D.IV(B)]
S. S. MEHTA, Desk Officer

भारत

नई दिल्ली, 26 मार्च, 1982

का० आ० 1625.—केन्द्रीय सरकार की राय है कि इससे उपायदृष्टि में विनियिष्ट विषय के बारे में वैक भाफ मधुरे लिमिटेड के प्रबंधताल से सम्बद्ध एक शौश्योगिक विवाद नियोजकों और अनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को व्यायनिर्णयन के लिए निर्देशित करना चाहती है,

प्रतः, केन्द्रीय सरकार, शौश्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के बंद (ब) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक शौश्योगिक अधिकारण

गठित करती है जिसके पीठासीन अधिकारी श्री जी० एस० बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकारण को व्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

वा० बैंक भाफ मधुरे लि०, प्रेमाभाई हाल शाह, अहमदाबाद के प्रबंधताल द्वारा श्री विलु बाबूलाल शाह, पूतपूर्व लिपिक की 20-4-81 से सेवाएं समाप्त करने की कार्रवाई उचित और व्यायसंगत है ? यदि नहीं, तो कर्मकार किस अनुतोष के हकदार हैं ?

[स० एल-12012/322/81-डी-II-ए०]

ORDER

New Delhi, the 26th March, 1982

S.O. 1625.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Bank of Madura Limited, and their workman in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constituted an Industrial Tribunal of which Shri G. S. Barot, shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication in the said Tribunal.

SCHEDULE

“Whether the termination of services of Shri Vipul Babul Shah, Ex-Clerk by the management of Bank of Madura Limited, Premabhai Hall Branch, Ahmedabad with effect from 20-4-1981 is proper and justified ? If not, to what relief is the workman entitled to ?”

[L-12012/322/81-D.II(A)]

भारत

नई दिल्ली, 26 मार्च, 1982

का० आ० 1626.—केन्द्रीय सरकार की राय है कि इससे उपायदृष्टि में विनियिष्ट विषय के बारे में हिन्दुस्तान कर्मशिल लिमिटेड अयपुर के प्रबंधताल से सम्बद्ध एक शौश्योगिक विवाद नियोजकों और अनके कर्मकारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को व्यायनिर्णयन के लिए निर्देशित करना चाहती है ;

प्रतः केन्द्रीय सरकार शौश्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के बंद (ब) धारा प्रदत्त शक्तियों का प्रयोग करते हुए एक शौश्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री राम शाल पुल होंगे जिनका मुख्यालय अयपुर में होगा और उक्त विवाद को उक्त अधिकारण को व्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“वा० हिन्दुस्तान कर्मशिल लिमिटेड मुख्य कार्यालय काशीपुर के प्रबंधताल द्वारा अयपुर लिपि की जोहरी शाह के श्री बाबूल मुमार शार्फ अस्थायी लिपिक की 3-2-1975 से सेवाएं समाप्त करने की कार्रवाई व्यायोचित है ? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है ?”

[स० एल-12012/244/81-डी-II(ए)]

ORDER

New Delhi, the 29th March, 1982

S.O. 1626.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Hindustan Commercial Bank Limited, Jaipur, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitute an Industrial Tribunal of which Shri Ram Raj Lal Gupta, shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Hindustan Commercial Bank Limited, Head Office Kanpur in terminating the services of Shri Ashok Kumar Arya, Temporary Clerk, Johri Branch, of the Bank at Jaipur with effect from 3-2-1975, is justified? If not, what relief the workman concerned is entitled?"

[No. L-12012/244/81-D.II(A)]

New Delhi, the 16th April, 1982

S.O. 1627.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Sangli Bank Limited, and their workmen, which was received by the Central Government on the 12-4-82.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 BOMBAY

Reference No. CGIT-2/50 of 1980

PARTIES :

Employers in relation to the management of Sangli Bank Limited,

AND

Their Workmen.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 11th March, 1982

AWARD

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (Ministry of Labour Order No. L-12012/113/80-D.II.A dated 24-12-1980) whereby the dispute namely :—

"Whether the action of the management of the Sangli Bank Limited Sangli in relation to their Deccan Gymkhana Branch Pune, in dismissing from services Smt. Manik B. Sathe Clerk with effect from 6-7-1977 is justified? If not, to what relief is the workman concerned entitled?"

It seems that on receipt of the reference when the notices were issued the parties had filed respective claim statement. However, on 16-2-1982 a settlement was arrived at to the satisfaction of both the parties whereby Smt. Manik B. Sathe agreed to give up her claim of reinstatement with full back wages and continuity of service against the Bank, in view of which the Respondent Bank agreed to pay Rs. 18,000 (Rupees eighteen thousand) as compensation (ex-gratia payment) in full and final settlement of all the claims of the applicant. Smt. Sathe agrees that she has no claim whatsoever against the Bank in respect of the dispute which has been referred to this Tribunal.

In view of this settlement and in view of the payment of Rs. 18,000 by the Bank to the ex-employee, which payment

has been acknowledged by the endorsement dated 16-2-1982, the dispute no longer can survive. The settlement is also fair, legal and also just and therefore the same is accepted and award in terms of settlement shall be passed.

No order as to costs.

M. A. DESHPANDE, Presiding Officer

[No. L-12012/113/80-D.II(A)]

N. K. VERMA, Desk Officer

New Delhi, the 15th April, 1982

S.O. 1628.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the Management of Messrs Eastern Coalfields Limited, Sanctoria, Post Office Disergarh, District Burdwan (WB), and their workmen, which was received by the Central Government on the 13th April, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of I.D. Act

Reference No. 39 of 1981

PARTIES : Employers in relation to the management of Messrs Eastern Coalfields Limited, Sanctoria, P.O. Disergarh, District Burdwan.

AND

Their Workmen

APPEARANCES :

For the Employers : Shri T.P. Choudhury, Advocate.

For the Workmen : Shri B. Lall, Advocate.

STATE : West Bengal

INDUSTRY : Coal

Dated, the 3rd April, 1982.

AWARD

By Order No. L-20012/13/81-D.III.A, dated the 6th 1981, the Central Government being of opinion that a... industrial dispute existed between the employers in relation to the management of M/s. Eastern Coalfields Limited, Sanctoria, P.O. Disergarh, District Burdwan and their workmen in respect of the matter specified in the schedule attached to the order, referred the same adjudication to this Tribunal. The schedule attached to the order reads thus.

"Consequent upon revision of the grade of diploma holder civil overseers from Grade 'C' (Wage Board) to Grade 'B' (Wage Board) with effect from 1st October, 1977 and their fitment in the revised grade after adjustment of increments at the rate of one increment for each completed year of the service, whether the diploma holder civil overseers are entitled to payment of arrears on account of annual increments? If so, to what relief are the workmen entitled?"

2. After notice to the parties they have filed their written statements and rejoinders.

The case of the union as made out in its pleading is as follows. The concerned workmen in the case who are all overseers in Civil Engineering side and are Diploma Holders were appointed in Tech. Grade 'C' while their counterparts

in Electrical Engineering side and Mechanical Engineering side even though were diploma Holders were appointed in Technical Grade 'B' by the management. The union representing the concerned workmen therefore not being satisfied with the discriminatory treatment of the management towards them raised the dispute with the management towards them raised the dispute with the management holding diploma should also be placed in Technical Grade 'B' from the date of their appointment and will be paid accordingly. The matter of the discussed with the management and as a result of the discussion the management agreed to bring all the overseers in Civil Engineering side, holding diploma to Tech. Grade 'B'. The minutes of the meeting between the union and the management have been reduced to writing on 18-8-77. The actual decision is contained in management's letters to the General Manager dated 13-10-77 and 3-3-78. As per this decision all Civil Overseers holding diploma were brought from Grade 'C' to Grade 'B' from the date of their appointment and the difference of pay which the overseers would be entitled having been brought to Grade 'B' from the date of their appointment would be paid to them as arrears. Inspite of this management resiled from the aforesaid decision and wanted to deprive the civil overseers holding diploma the difference between the pay which they had drawn in Grade 'C' and the pay which they would be entitled in Grade 'B' from the date of their appointment. By this action management has deprived the concerned workmen of the promotional avenue and other benefits to which they would be entitled after being brought to Grade 'B'. The plea taken by the management is that as per the decision between the parties the civil overseers holding diploma were to be brought to Grade 'B' only from 1-10-77. This plea of the management is contrary to the decision arrived at between the parties as a result of mutual discussion. The union, therefore, raised a fresh dispute with the management demanding that the civil overseers holding diploma should be placed in Technical Grade 'B' from the date of their appointment that they would be paid accordingly and that their pay would be fixed on 1-10-77 as per settlement arrived at between the parties on mutual discussion. The demand thus made by the union not having been accepted by the management the case has been referred to this Tribunal for adjudication. In view of the facts stated above the union prays that the reference be answered in its favour.

The case of the management bereft of unnecessary details as given in its pleading may be briefly stated thus. The sponsoring union having little or no following amongst workmen of Eastern Coalfields Limited and being only a craft union cannot legally raise any industrial dispute. Out of One Lakh Eighty six Thousand workmen working in the collieries of the management the sponsoring union hardly represents a little more than one hundred workmen. In this view the union not being a representative union of the workmen it has no locus standi to raise an industrial dispute. The demand of the civil overseers holding diploma for payment of arrears has no merit at all. After nationalisation of all collieries the civil overseers under the management holding diploma represented to equate them with foreman working in the mechanical and electrical side. The management considered this demand and by order dated 13th October, 1977 took a decision that the civil overseers holding diploma would be given technical Grade 'B' in the time scale of pay of Rs. 510-854 with effect from 1-10-77. In pursuance to this decision taken by the management the question of fitment of each individual Civil Overseer in the new scale arose. It was decided that in accordance with recognised principles, the basic pay of those civil overseers appointed in 1976 and 1977 would be fixed in the initial stage of the revised scale with effect from 1-10-77 and the pay of the civil overseers appointed before 1976 would be fixed with one increment for each completed year of service in the revised scale of pay with effect from 1-10-77. In the meantime NCWA-II framed a cadre scheme for general civil overseers. According to this scheme existing executive institutions and orders became infructuous and consequently the order dated 13-10-77 stood suspended. Such being the position the question of fitment of civil overseers in Grade 'B' with effect from 1-10-77 did not arise. NCWA-II having provided a remedy to resolve any difficulty or dispute under para 12.3.1 by referring the same to JBCCI no reference under Sec. 10 of the I.D. Act can be made. The only remedy available to the sponsoring union is to approach the JBCCI. Under these circumstances management says that the reference should be answered against the union.

3. In course of hearing of the case union has examined one of the concerned workmen besides relying upon six documents, namely, Exts. W-1 to W-6. So far as the management is concerned it has not chosen to examine any witness in support of its case and has only relied upon three documents, namely, Exts. M-1 to M-3. It may be mentioned here that all the documents relied upon by the parties have been marked as exhibits on admission formal proof of those documents being waived. WW-1 as appears from his evidence is a diploma holder in civil engineering and joined service as an overseer in Eastern Coalfields Ltd. on 9-9-74. At the time of his appointment he was placed in Technical Grade 'C'. The witness asserts that 181 overseers like him including himself are the concerned workmen in the case and that he deposes on behalf of all. All these 181 persons are diploma holders in civil engineering and were appointed in Technical Grade 'C'. The counterparts of these 181 persons in the mechanical side and electrical side who are also diploma holders according to the witness were appointed in technical Grade 'B' by the management. So WW-1 says that the association to which all the aforesaid 181 employees belong raised a dispute with the management claiming that they should be placed in Technical Grade 'B'. The witness says that after the demand was made there was a meeting between representatives of the management and the representatives of the association on 18-8-77 and that Ext. W-1 is the minutes of the said meeting. WW-1 further goes on to say that as a result of the discussion in the meeting the management conceded to the demand of the workmen under Ext. W-2 saying that all civil overseers appointed before 1976 will be given fitment of one increment for each completed year of service in the revised scale of pay, with effect from 1-10-77 and the rest appointed in 1976 and thereafter till 1-10-77 would be also placed in Technical Grade 'B' though their pay, on 1st October, 1977 would be fixed at the initial stage of the scale of pay applicable to Technical Grade 'B'. According to the witness as this concession made by the management did not satisfy the workmen the sponsoring union again raised the question before the management saying that all the civil overseers holding diploma should be placed in Technical Grade 'B' from the date of their joining and necessary benefit that would accrue to them after being so placed would be paid. The management on the subsequent demand conceded to it by its letter dated 3rd March, 1978 Ext. W-3. The witness proves the registration certificate of the sponsoring union Ext. W-4 and the membership register of the union Ext. W-5. According to this witness therefore all overseers in the civil engineering side holding diploma and appointed before 1976 were to be retrospectively placed in Technical Grade 'B' from the date of their appointment and were to be given the necessary benefits that would accrue to them on being placed in Technical Grade 'B' which is borne by management's letter dated 3rd March, 1978 Ext. W-3. The plea taken by the management that in view of the cadre scheme introduced as per NCWA-II the civil overseers holding diploma are not entitled to Technical Grade 'B' at all and that in view of the provision contained in NCWA-II the only remedy available to the union is to approach JBCCI under NCWA-II has no substance because under the provisions of NCWA-II higher benefits already enjoyed by the workmen before the date of the agreement are saved. So Mr. T. P. Choudhury at the time of argument has conceded to this and argues that if on the interpretation of the two letters of the management relied upon by the union, namely, Exts. W-2 and W-3 it would be held that the demand of the workmen is covered under them, the reference has to be answered in favour of the union. Such being the stand taken by Mr. Choudhury the only question which remains to be considered is as to whether as per decision of the management contained in Ext. W-2 and W-3 the civil overseers holding diploma working under Eastern Coalfields and appointed before 1976 are entitled to arrears of pay in the revised pay scale in Technical Grade 'B', from the date of their joining. It is not disputed that civil overseers holding diploma under Eastern Coalfields Limited at the time of their joining, were placed in Technical Grade 'C' while their counterparts in mechanical and engineering side holding diploma were placed in Technical Grade 'B' since their appointment. On account of this disparity the sponsoring union of which almost all the civil overseers holding diploma are members raised the dispute before the management claiming that the civil overseers holding diplomas must be placed in Technical Grade 'B' with retrospective effect since the date of their joining. Our

this demand being raised a meeting was held on 18-8-77 between the representatives of the management and the representatives of the union. The minutes of the meeting is Ext. W-1 which is also not in dispute. Both parties also agree that as a result of the discussion in the meeting management took the decision as per Ext. W-2 on 13-10-77. This decision clearly says that the civil overseers appointed in 1976 and 1977 will be fixed in the initial pay of the revised scale which is Rs. 510-854 (scale of Technical Grade 'B') with effect from 1-10-77. So far as the other civil overseers appointed before 1976 are concerned they will be brought to Technical Grade 'B' with effect from 1-10-77 but their pay on 1-10-77 would be fixed by giving them one increment for each completed year of service in the new scale. As per this decision therefore it must be held that all civil overseers holding diploma were brought to Technical Grade 'B' the pay scale in which grade is Rs. 510-854 from 1-10-77. So far as overseers appointed in 1976 and 1977 are concerned their pay on 1-10-77 will have to be fixed at Rs. 510/- per month in the revised scale. Regarding overseers appointed prior to 1976 their pay on 1-10-77 will be fixed by giving each one of them one increment for each completed year of service in the revised scale of pay. This means that if an overseer appointed before 1976 has completed one year of service by 1-10-77 his pay in the revised scale would be fixed Rs. 510/- plus one increment in the revised scale. Thus it is clear that Ext. W-2 did not accept the demand of civil overseers fully to place them in Technical Grade 'B' from the date of their appointment. According to WW-1 whose evidence has not been challenged the overseers not being satisfied with the decision Ext. W-2 of the management continued their agitation for being placed in Technical Grade 'B' with effect from the date of their appointment. Therefore the management felt the necessity of modifying its previous decision as contained in Ext. W-2 and gave a fresh decision as per Ext. W-3. Parties do not agree regarding interpretation of the second decision of the management Ext. W-3. According to Mr. Choudhury the second decision only said that the overseers appointed before 1-10-76 should be allowed one increment for each completed year of service in the revised scale of pay while fixing their pay on 1-10-77. It may be remembered in this connection that under decision of the management as per Ext. W-2 civil overseers appointed in 1976 had not been given the benefit of any increment whatsoever for each year of completed service while fixing their pay on 1-10-77. According to Mr. Choudhury this part of the earlier decision was modified under Ext. W-3 in which it was said that overseers appointed before 1-10-76 would be given benefit of one increment for each completed year of service while fixing their pay on 1-10-77. Mr. Choudhury contends that by Ext. W-3 the management only brought those overseers appointed between 1-1-76 and 30-9-76 into the category of overseers appointed before 1976. So it is argued for the management that under Ext. W-3 the demand of the workmen to be placed in Technical Grade 'B' from the date of their appointment with retrospective effect was never conceded. Mr. B. Lal for the union while not accepting this interpretation of Mr. Choudhury of Ext. W-3 lays emphasis on the last sentence in para 1 of Ext. W-3 which reads thus.

"The arrears arising out of the re-fixation may be paid to them."

According to Mr. Lal if the management as per its two decisions Exts. W-2 and W-3 only meant that the civil overseers holding diploma would be brought to Technical Grade 'B' with effect from 1-10-77 and if in those two decisions management indicated how the pay of these overseers would be fixed on 1-10-77 there was no necessity for the management to say in Ext. W-3 that arrears arising out of re-fixation would be paid to the civil overseers. There appears to be much substance in this contention of Mr. Lal. It is conceded by both parties that management decided to bring all the civil overseers holding diploma to technical Grade 'B'. Ext. W-2 clearly shows that the management at the time when it issued the letter took a decision that all the civil overseers would be brought to Technical Grade 'B' only with effect from 1-10-77. Ext. W-2 further indicates how the pay of the civil overseers brought to Technical Grade 'B' from 1-10-77 would be fixed on that day. As per this decision contained in Ext. W-2 the pay of the civil overseers appointed in 1976 and 1977 would be fixed at the initial

stage of the revised scale on 1-10-77 whereas the pay of civil overseers appointed earlier would be fixed on 1-10-77 by giving them one increment in the revised scale for each year of completed service. It follows therefore that as per decision contained in Ext. W-2 management never intended to bring the civil overseers to technical Grade 'B' before 1-10-77. The case of the union is that this decision did not satisfy it and so it continued its agitation as a result of which the management modified its earlier decision by Ext. W-3. This position which is established in the evidence of WW-1 is not seriously challenged by the management. So I hold that as a result of further agitation by the union the management arrived at its second decision as per Ext. W-3 after modifying its earlier decision as per Ext. W-2. If as contended by Mr. Choudhury by the subsequent decision Ext. W-3 management only allowed benefit of one increment for each completed year of service for overseers appointed between 1-1-76 and 30-9-76 why should that document say that the overseers brought to Technical Grade 'B' on 1-10-77 would be paid arrears arising out of re-fixation of their pay on 1-10-77. In fixing pay on 1-10-77 question of payment of arrears can not arise. Ext. W-2 is the earlier decision dated 13-10-77 in which the management decided to bring the civil overseers to the higher scale of pay with effect from 1-10-77. This decision does not breadth anything about arrears. In the second decision Ext. W-3 as has been noticed earlier it is clearly said that arrears arising out of re-fixation of pay should be paid to them. Mr. Choudhury's argument is that since management had decided to bring the overseers to higher grade of pay from 1-10-77 and the second decision was taken as per Ext. W-3 on 3-3-78 the management in that letter only said that arrears from 1-10-77 upto 3-3-78 in the higher pay scale would only be payable. In my view such a contention cannot be accepted. The earlier decision Ext. W-2 is dated 13-10-67. In other words it is subsequent to 1-10-77 on which date the overseers are to be brought to the revised scale. By the time the decision was taken the date 1-10-77 had already passed off. Still then management in Ext. W-2 did not say that arrears arising out of re-fixation of pay would be passed. If the management brought the civil overseers to the higher scale of pay from 1-10-77 automatically the overseers would be getting the pay in the higher scale from that day even if the decision to bring them to that scale is taken long after 1-10-77. There would be no necessity in such a case to make provision for arrears as contended by Mr. T.P. Choudhury. It has also been noticed that union has been claiming all along that the civil overseers holding diploma should be brought to the higher pay scale from date of their joining. On this point the management had taken a decision as per Ext. W-2 in which it was said that the overseers would be brought to the higher scale from 1-10-77. If according to Mr. Choudhury the management did not want to make any change in this decision there would have been no necessity for the management to issue Ext. W-3 making provision for arrears. Arrears after 1-10-76 was not the subject-matter of the demand of the union. Arrears prior to 1-10-77 was only the demand for which according to the union the management took a fresh decision as per Ext. W-3 providing for payment of arrears. In this decision, however, some of the overseers appointed in 1976 but before 1-10-76 were given the benefit of one increment for each year of completed service in the revised scale. But that decision makes provision for arrears. The controversy between the parties is about the meaning of the words "arrears arising out of re-fixation of pay". I have already rejected the interpretation of Mr. Choudhury. The union however says that the above words means that the workmen would be placed in revised scale with retrospective effect from the date of their appointment and on being so placed all arrears of pay including increment at the rate of one increment for each completed year of service would be paid. But the language of the reference does not support the interpretation of the union. As per the language used in the reference the demand is if the workmen would be paid arrear of increment at the rate of one increment for each completed year of service after their pay is fixed in the higher scale with effect from 1-10-77 according to the scheme decided by the management. It is well settled that a reference has to be answered in conformity with the language used in the order of reference and a Tribunal has no authority to go beyond the terms of reference. So in view of the language used in the order of reference I hold that the demand is if the workmen would be entitled to arrear of increment at the rate of one increment for each completed year of service after their pay is fixed as per the

decision o the management on 1-10-77. The second decision Ext. W 3 does not say that all the civil overseers would be brought to revised scale for the date of their appointment and thereafter all arrears payable after bringing them to the new scale would be paid. The second decision does not completely supersede the earlier decision Ext. W-2. The tardy decision is only modified by Ext. W-3. In other words as per Ext W-3 after fixing pay on 1-10-77 as per earlier decision Ext. W-2 arrears of increment have to be paid. This is the true meaning of Ext. W-3 and it is this which is reflected in the order of reference. After having decided to pay arrear of increment the management cannot go back upon it. Therefore an overseer whose pay has been fixed on 1-10-77 after giving him two increments of say Rs. 5 each has to get as arrear at the rate of Rs. 5 per month for two years plus at the rate of Rs. 5 per month for one year. This has been conceded in favour of the union by the management in Ext. W-3 and this being the demand as per the order of reference the demand of the diploma holder overseers cannot but be avoided. For these reasons I hold that the management by its second decision Ext. W-3 agreed that the civil overseers holding diploma would be brought to the higher pay scale in technical Grade 'B' from 1-10-77 and that they would be entitled to arrear increments in the revised scale at the rate of one increment for each completed year of service prior to 1-10-77.

A point of law raised by Mr. T. P. Choudhury is that the claim of the union being for payment of arrears on account of annual increment the proper remedy for it is to file an application under Sec. 33-C(2) of I.D. Act and not to raise a dispute before the Tribunal. It is well settled that an application under Sec.33-C(2) is in the nature of an application in execution proceeding and therefore such an application can be entertained only on the basis of existing rights. The union here claims arrears on account of annual increment. The right to this claim is seriously disputed by the management who on the basis of Exts. W-2 and W-3 contends that no such right was ever conceded in favour of the union. Therefore in such circumstances the union could not have approached a Labour Court for computation of monetary benefits to the workmen. Had such an application been made to a Labour Court very likely the same would have been thrown out on the finding that the claim is based not on existing right admitted by parties. The proper forum for deciding the question as to whether the concerned workmen have a right to claim arrears on account of annual increment is the Industrial Tribunal. Therefore, in my view the union is right in raising the present dispute on the question as to whether the concerned workmen are as a matter of right on the interpretation of Ext. W-3 entitled to claim arrears on account of annual increment.

The third point raised by Mr. Choudhury is that the sponsoring union in the present case not being a representative union representing a substantial number of workmen working under Eastern Coalfields the union should be held to be not competent to raise an industrial dispute. It is not disputed before me that the civil overseers holding diploma have formed an association which is the sponsoring union in the present case. Total number of these civil overseers holding diploma under Eastern Coalfields Ltd. are 181 and all of them are members of the sponsoring union. The union is a registered one and registration certificate has been filed by it. The union has also produced its membership register. So far as the civil overseers are concerned they form a class by themselves and they are all represented in this sponsoring union. That being so I have no hesitation in my mind that the sponsoring union is competent to raise an industrial dispute on behalf of the civil overseers holding diploma.

4 For the reasons given above I hold that consequent upon revision of the grade of diploma holder civil overseers from Grade 'C' (Wage Board) to Grade 'B' (Wage Board) with effect from 1st October, 1977 and their fitment in revised grade after adjustment of increments at the rate of one increment for each completed year of service the diploma holder civil overseers are entitled to payment of arrears on account of annual increments. The reference is answered accordingly. There will be no orders for costs.

B.K. RAY, Presiding Officer
[No. L-20012/13/81-D.III(A)]

S.O. 1629.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Sudamdh Colliery of Messrs Bharat Coking Coal Limited, Post Office Sudamdh, District Dhanbad, and their workmen, which was received by the Central Government on the 13th April, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL CUM-LABOUR COURT No. 3, DHANBAD

Reference No. 26/80

PARTIES :

Employers in relation to the management of Sudamdh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Sudamdh, Dist. Dhanbad.

AND

Their workmen.

APPEARANCES

For the Employers—Shri T. P. Chowdhury, Advocate.

For the Workmen—Sri S. Pal, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dated, the 5th April, 1982

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) has referred the dispute to this Tribunal for adjudication under Order No. L 20012/195/79-D III(A) dated the 18th April, 1980.

SCHEDULE

"Whether the action of the management of Sudamdh Colliery of M/s. Bharat Coking Coal Ltd., P. O. Sudamdh, Dist. Dhanbad in not promoting Sri Hirbal Mehatra, Electrician to the post of Chargeeman/Foreman is justified ? If not, to what relief is the said workman entitled ?"

2. The case of the concerned workman Sri Hirbal Mehatra is that he was appointed as Electrical Helper in 1954 at Sitanala Colliery and thereafter he obtained Electrical Wielders' Certificate in the year 1960 and started working as an Electrician. He joined the Sudamdh Colliery as Electrician towards the end of 1962 and was confirmed from 14-1-1963. It is further stated that he is working in Category 'C' of the Wage Board recommendation.

3. It is alleged that other persons who were working in the same post and category as that of the concerned workman were promoted to the post of Electrical Foreman or Foreman Incharge but the concerned workman was superseded because he has taken part in trade union activities. According to him as per seniority list of Category VI he was the senior most barring one Sri S. P. Chowdhury and that he is fit and possess all the technical qualifications for being appointed as Electrical Supervisor of a mine but person of less experience have been promoted. In the written statement name of 9 persons have been mentioned and it is alleged that they were given promotion to the post of Chairman superseding the concerned workman. It is also alleged that with a view to victimise him he has been transferred from one place to another so that he may not get due promotion. He made several representations and ultimately an industrial dispute was raised which ended in failing resulting in the present reference. His demand is that he should be promoted to the post of Foreman/Foreman Incharge.

4. The management has contested the claim of the concerned workman. Their defence is that the reference is untenable as promotion is the management's function and no valid dispute can be raised if no promotion is given to a particular workman. It is further stated that the present dispute has been raised by the Asstt. Secretary of Bihar Colliery Kamgar Union, Sudamdh Branch but the Asstt. Secretary of Branch is not an Office Bearer of a union under the Trade Union Act or under the Industrial Disputes (Central) Rules and therefore the present dispute is not an industrial dispute and this particular union has its registered office at Dhanbad with a set of Office Bearers.

5. The main case of the management, however, is that the Sudamdh Colliery was originally owned by M/s. N.C.D.C. Ltd., and the service conditions of monthly rated employees were being governed by the Central Government rules while the daily rated staff were being governed by Coal Awards. The concerned workman joined Sudamdh Colliery as an Electrician on daily rate basis and was placed in Category VI with effect from 15-8-1967 which is the highest category of Electrician under the Wage Board recommendation. It is also stated that the Electrical, Mechanical Supervisory cadre is a separate compartment in which the entry is restricted only to those holding either supervisorship certificate issued by the State Government or persons holding three years diploma in the electrical trade. In the year 1970 by a letter dated 27th/30th June, 1970 an opening for non-diploma holders and non-supervisorship certificate holders Electricians was given for exceptionally meritorious and brilliant candidates under certain specific conditions enumerated in the said letter which was issued after prolong discussion with the then General Secretary, Rashtriya Colliery Mazdoor Sangh which was a recognised union. The said cadre scheme stipulated that exceptionally brilliant departmental candidates may be eligible to the post of chargeman supervisory grade 'C' possessing certain qualifications. Matriculation qualification was one of the condition and it is stated that there was no opening for a non-Matric like the concerned workman who had no technical qualification to get promotion as a Chargeman.

6. Sudamdh Project under the N.C.D.C. was taken by the Bharat Coking Coal Ltd., with effect from 1-11-75 and the Bharat Coking Coal Ltd., also formulated a cadre scheme for Electrical and Mechanical personnel which came in operation from 20-2-1978 and under the newly formulated cadre scheme the concerned workman along with others came eligible for considerations for the post of Chargeman/Foreman as Sri Mehatha in the meantime obtained ship Certificate of Competency in the year 1978. Sri Mehatha was considered by the D.P.C. (Supl. Prom. Committee) on 20-2-1979 along with candidates but he was not found fit and so he was not promoted as a Chargeman/Asstt. Foreman.

It is also stated that there is no post of Electrical Supervisor under the Bharat Coking Coal Ltd., or under the C.D.C. and that a person having the Electrical Supervisorship Certificate was authorised to do certain acts under the Electricity Act and Rules. It is further stated that the persons who got promotion were Matriculates and above and also possessed other qualifications and hence they were promoted.

8. On the above grounds it is prayed that the reference be decided against the concerned workman.

9. The point for consideration is as to whether the action of the management of Sudamdh Colliery of Bharat Coking Coal Ltd., in not promoting the concerned workman (Electrician) to the post of Chargeman/Foreman is justified. If not, to what relief is he entitled.

10. A preliminary objection has been taken on behalf of the management to the effect that the Asstt. Secretary of the union of Sudamdh Branch has no jurisdiction to raise the dispute and the reference is untenable. From the record it will appear that the written statement in the case has been filed by one Sri Sushil Kumar Roy claiming to be the Asstt. Secretary of Bihar Colliery Kamgar Union. According to the workman however any office of the union can raise such a dispute. Ext. W-10 is the photostat copy of a letter of authority by Sri S. K. Bakshi, General Secretary, Bihar Colliery Kamgar Union authorising Sri Sushil Kumar

Roy, Asstt. Secretary of Sudamdh Branch to raise industrial dispute with the management and represent the workman members of Sudamdh Branch in conciliation proceedings, Labour Courts and Industrial Tribunals. Ext. W-2 is a copy of the discussion held on 12-10-1978 regarding the dispute in question. It shows that the case was discussed and Sri D. Mukherjee was present on behalf of the union. Sri Sushil Kumar Roy, Asstt. Secretary Sudamdh Branch has been examined as WW-2 and he has stated that Sri Bakshi had authorised him to raise the present dispute and during conciliation stage he along with Sri D. Mukherjee appeared before the A.L.C. Ext. W-2 would also show that the copy of the discussion was forwarded to Sri S. K. Roy. Thus it is clear that Sri S. K. Roy represented the workman in conciliation proceeding and is representing him even before this Tribunal. Section 36 of the Industrial Disputes Act speaks about representation of parties and it says that a workman who is a party to a dispute shall be entitled to be represented by any member of the executive or other office bearer of registered trade union of which he is a member. Section 2(iii) of the Industrial Disputes Act defines the word 'Office Bearer' and it says that in relation to a trade union it includes any member of the executive thereof. The word 'executive' has been defined in Section 2(gg) which says that it means the body by whatever name called to which the management of the affairs of the trade union is entrusted. The authority letter shows that Sri Roy was authorised by the Secretary to raise the present dispute.

11. It was urged on behalf of the management that a similar point was raised before Tribunal No. 1, Dhanbad in which Sri S. K. Roy himself represented his case as Asstt. Secretary of the Branch and his contention that he had a right to represent was rejected by the said Tribunal. The copy of the said Award which is in respect of Reference No. 29/80 has been filed on behalf of the concerned workman and para 4 of the Award reads as follows :

"A point of law has been raised by Mr. T. P. Choudhury that the workman who has raised the dispute as Asstt. Secretary of B.C.U., Sudamdh Branch is not competent in law to represent the union and to raise a dispute on its behalf for the concerned workman. In course of his argument Mr. T. P. Choudhury has not been able to submit any authority for his stand nor any direct provision in any enactment in support of his contention has been pointed out. However I do not feel it necessary to decide the point raised by Mr. T. P. Choudhury in this case in view of the fact that on merit I find that the union has no case and the workman is not entitled to the relief claimed."

Thus from the above observation it will appear that this issue was left undecided by the Hon'ble Tribunal No. 1. Further before this Tribunal also no authority has been cited on behalf of the management for their stand that the Asstt. Secretary of the Union, Sudamdh Branch was not competent in law to represent the union and to raise a dispute for the concerned workman. Thus this contention of the management is untenable and is rejected.

12. Then let us come to the merits of the case. Certain facts are evident from the evidence as also pleadings of the parties. It is admitted by the workman himself that there is no post of Electrical Supervisor under the N.C.D.C. and this post was only in market collieries. The claim of the concerned workman, therefore, in evidence or in the written statement that he should be promoted to the post of Electrical Supervisor is unjustified as no new post can be ordered to be created. Further the reference itself shows that the demand is for promotion to the post of Chargeman/Foreman only.

13. From the evidence of MW-1 Personnel Manager of Sudamdh Area it will appear that there is following hierarchy in supervisory Electrical Section.

- (a) Foreman Incharge,
- (b) Foreman,
- (c) Asstt. Foreman/Chargeman.

Thus Chargeman is the lowest supervisory post and above him is Foreman and above Foreman is Foreman Incharge.

WW-1 is Sri Hirralal Mehta the concerned workman himself. It is admitted by him that the monthly rated staff were governed by their own rules regarding conditions of service while the daily rated staff were governed by the Coal Awards. It is also admitted by him that at the instance of Sri Bindeshwary Dubey, General Secretary of R.C.M.S. the management agreed to create a cadre scheme for promotion of daily rated staff like him to the monthly rated technical supervisory post subject to certain norms. It is not denied that previously the highest category which an Electrician could get was Category VI only and no further promotion was open to them but after this scheme Category VI Electricians were also made eligible for being promoted to the supervisory grade of Chargeman or Foreman subject to the fulfilment of certain norms.

14. It is also admitted by this workman that in 1976 when the Sudamdhil Colliery came under the management of Bharat Coking Coal Ltd., the Bharat Coking Coal Ltd., also prepared a cadre scheme in which non-Matriculates were also considered for promotion subject to fulfilling other conditions. In para 14 he has admitted that there were only three cadres in supervisory in N.C.D.C. viz. Chargeman/Asstt. Foreman, Foreman and Foreman Incharge and there was no post of Electrical Supervisor. In para 15 he has admitted that the Indian Electricity Rules provide for an authorisation to work as an Electrical Supervisor to persons who hold Supervisorship Certificate. This workman passed the Electrical Supervisory Certificate in 1978. It is admitted by him that any person holding supervisory certificate can perform the work of Electrical Supervisor as per Electrical Rules though he may be of any grade though there is no such post as Electrical Supervisor.

15. According to MW-1 the Personnel Manager, promotions were given as per norms prescribed by the N.C.D.C. or the B.C.C. Ltd., and in the year 1979 when D.P.C. was held for promotion of Category VI to Asstt. Foreman the concerned workman appeared but he was not found fit.

16. For the purpose of deciding this case the two cadre schemes prepared by the N.C.D.C. and thereafter by the B.C.C. Ltd., are relevant and on the basis of those schemes it is to be seen as to whether the non-promotion of Sri Mehta to the post of Chargeman/Foreman is justified or not.

17. But before deciding this issue it may be mentioned that the workman has taken the plea that to jeopardise to another. But in my opinion this transfer section to another. But in my opinion this transfer has nothing to do with the promotion as according to the management's evidence promotions are given on Area basis and not on Section basis. The workman has filed certain representations made by him which has been marked Ext. W series but they are not very material. Further he has also filed certain documents to show that on certain occasions chargesheets were issued against him but that is also not very material. Ext. M-1 is the cadre scheme prepared by the N.C.D.C. for promotion of Category VI Staff to the supervisory post. It is under the signature of Sri Mahendru the then General Manager and now Managing Director, B.C.C. Ltd. This memo shows that this Scheme was brought into existence at the instance of Sri Bindeshwary Dubey, M.L.A. and General Secretary of R.C.M.S. Para 2 provides that during the discussion it was clearly agreed and understood that holding of supervisory certificate or in lieu of three years course diploma after Matriculation/Higher Secondary/I. Sc. should normally be considered to be an essential qualification and a departure from this can only be recommended only in case of exceptionally meritorious candidates. Admittedly the concerned workman is a non-Matric and he obtained the Supervisory Certificate only in the year 1978. Sl. Nos. 1, 2 and 3 of para 2 of this memo shows as to what period of service is required for promotion by a candidate holding Matriculation or higher educational qualification as also other diplomas. Para 4 prescribes that those who hold technical supervisory certificate or in lieu a recognised three years course diploma, written and practical test will not be necessary and selection would be based on other usual criteria only. Thus as the concerned workman is a non-Matric and he got the technical supervisory certificate in the year 1978 there was no question of considering his case for promotion to the post of Chargeman/Foreman prior to 1978.

18. As stated earlier the N.C.D.C. also prepared a scheme which is marked Ext. M-1 and the promotion policy Ext. M-3. Ext. M-2 is the record of the note of discussion held between the representatives of the R.C.M.S. Sudamdhil Branch and General Manager, Sudamdhil. It shows that it was decided that the cadre scheme evolved earlier by the N.C.D.C. (Ext. M-1) will remain in force and that a candidate shall be eligible for promotion as soon as he passes Electrical Supervisory Competency examination or undergo such training prescribed by the B.C.C. Ltd., from time to time. Admittedly the B.C.C. Ltd., had started such a training course which was not attended to by the concerned workman. Admittedly the concerned workman got the Electrical Supervisory Competency Certificate in the year 1978 and so prior to 1978 there was no question of considering his case for promotion.

19. According to the management after the concerned workman passed the Supervisory examination a D.P.C. was constituted in the year 1979 in which the concerned workman appeared but he was not found fit and was not promoted. The papers of the D.P.C. in the circumstance was the most authentic document to show as to whether the denial of promotion to the concerned workman when he was eligible as Chargeman was justified or not. The papers of the D.P.C. has not been filed in this case. The allegation of the concerned workman is that due to trade union activities he was not given promotion and injustice was caused to him. In view of this allegation it was the duty of the management to produce the papers of the D.P.C. so that right decision could be taken whether on certain disqualifications the concerned workman was not found fit for promotion. It is not denied that some persons junior to him got promotion as a Foreman or Chargeman. In that view of the matter the production of the D.P.C. papers was essential and they were most relevant for just decision in the case.

20. The learned Advocate for the management however has placed reliance on the evidence of the concerned workmen WW-1 made by him in para 16 of his cross-examination. The concerned workman has stated that there was a D.P.C. after 1978 for promotion to Chargeman/Asstt. Foreman and he attended the D.P.C. He has further stated that he refused to accept the post of Asstt. Foreman and he claimed that as he had passed the Electrical Supervisorship examination he will take the post of Electrical Supervisor. As stated already there is no post of Electrical Supervisor. It appears that the concerned workman made the said statement being zealous. The fact remains that according to the management the promotion to the post of Chargeman was given to this workman as he was not found fit. Admittedly workman is still working in Category VI as Electrician.

21. It is no doubt true that the promotion is the function of the management and the Tribunal has got no power to direct the management to promote any workman but at the same time it is the duty of the Tribunal to see that when promotions are given by the management certain norms are to be followed and promotions are to be given as per norms. This is all the more necessary when there are cases of supersession. In such cases the Tribunal can direct the management to consider the cases of all the eligible candidates along with the candidates who have got promotions and see to itself whether promotions have been made as per norms or not. To support this view reliance can be put to the ruling reported in Vol. 5 S.C.I.J. page 3502 (Management of Brooke Bond India (P) Ltd., and their workmen. There are also other rulings on the point.

22. Relying on the above ruling and considering the evidence and the circumstance of the case the proper course should be to set aside the promotion made in 1979 and ask the management to consider afresh the case of the concerned workman along with other candidates who have got promotion and decide whether the concerned workman should get promotion as Chargeman or not. Accordingly I hold that the action of the management, on the evidence on record, in not promoting the concerned workman is not justified. The management is directed to consider the case of the concerned workman for promotion to the post of Chargeman/Asstt. Foreman along with other candidates who have already got promotion as a Chargeman after setting aside their promotion and decide themselves whether the concerned workman is fit

to be promoted to the post of Chargeeman or not and if found fit he should be promoted accordingly to the post of Chargeeman.

23. I give my award accordingly.

J. N. SINGH, Presiding Officer
[No. L-20012/195/79-D.III(A)]
A.V.S. SARMA, Desk Officer

New Delhi, the 15th April, 1982

S.O. 1630.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Administrative Body, Bombay Dock Labour Board, Bombay and their workmen, which was received by the Central Government on the 12th April, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/40 of 1980

PARTIES :

Employers in relation to the administrative body, Bombay Dock Labour Board, Bombay.

AND

Their Workmen

APPEARANCES :

For the Employers—1. Shri F. D. Damania, Advocate & Counsel
2. Joseph Pius Advocate.

For the Workmen—Shri M. S. Khavle, Addl. General Secretary, Lal Bavata Godi Kamgar Union, Bombay
INDUSTRY : Ports and Docks STATE : Maharashtra

Bombay, dated the 22nd March, 1982

AWARD

(Dictated in Open Court)

This is a reference under Section 10(1)(d) of the Industrial Disputes Act whereby the dispute "Whether the action of the Administrative Body, Bombay Dock Labour Board, in removing from service Shri Abdulla Adam Shah, Filler, with effect from 1st September, 1979 is legal and justified ? If not, to what relief is the concerned workman entitled ?" was referred to adjudication, (Ministry of Labour Order No. L-31012 (1)/80-D.IV(A) dated 2-8-1980).

2. The contention of the Union namely Lal Bavata Godi Kamgar Union, who has taken up the cudgel on behalf of the workman is that although the workman was employed as Filler with effect from 24-4-1974 by the Bombay Dock Labour Board referred to as the Board, and was made permanent with effect from 1-4-1979, all of a sudden his services were discontinued or terminated without any notice or intimation, which act according to the Union was illegal and as such they are seeking reinstatement with all the benefits.

3. By the written statement the Administrative Body of the Bombay Dock Labour Board have raised two preliminary objections namely that the Administrative Body is not an industry as defined in the Industrial Disputes Act, secondly there exists no employer-employee relationship between the Administrative Body and Abdulla Adamshah and that the Administrative Body was never the employer of the said workman. By the same written statements various allegations such as permanency of service were refuted, the contention of the Board being that the employment was secured by suppressing some information and submitting false claims.

4. At this stage we may not enter into the question regarding the facts namely whether there was any misrepresentation as pleaded or whether the workman was guilty of suppressing material facts but at this stage the controversy is restricted to

the preliminary objections raised whether there existed relationship of employer-employee between the workman Abdulla Adamshah and the Board and further whether the administrative body is an industry under the Industrial Disputes Act, which provision will be material for giving relief if any. If there exists no relationship of Employer-employee between the workman and the Board, or the Board cannot be said to be an industry, the question of invoking the provisions of industrial dispute act and the resultant relief thereto would not arise and therefore reference must fail.

5. So far as the Board is concerned it is governed by Act 9 of 1948 known as Dock Workers (Regulation of Employment) Act, 1948. Under Section 2(a) 'Board' means a Dock Labour Board established under Section 5A. Section 3 refers to the scheme for ensuring regular employment of workers and Section 4 lays down variation and revocation and making new schemes in pursuance of powers granted for making scheme. So far as the Bombay Dock Labour Board is concerned there is notification dated 12-7-1976 which notified the scheme known as the Bombay Foodgrain handling Workers (Regulation of Employment) Scheme, 1975 which would be the scheme governing the parties to the dispute. Under Clause 37(2) of the said Scheme it has been laid down that a registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board. A registered Dock worker as defined under clause 3(n) means a registered food-grain handling worker, whose name is for the time being entered in the register or record. Similarly there is definition of registered employer whose name is for the time being entered in the employers' register. The fact that the name of workman Abdulla Adamshah is entered in the register is not disputed. The contention of the employer appears to be that the workman got his name entered in the register by suppressing material facts and when the fraud was detected his name came to be struck off. As already stated I need not enter into the said controversy at this stage for the purpose of determination of two issues which are treated as preliminary. The name of the workman was entered in the relevant register meaning thereby that he was at the relevant time a register dock worker.

6. Had the matter rested here and had the provisions of clause 37(2) could have been attracted, the registered dock worker in the Reserve Pool when he was available for work could have been very easily said to be in the employment of the Board. So there would be no normally no difficulty in accepting the relationship of employer-employee between the parties. However when a similar case between Visakhapatnam Dock Labour Board, an identical Board having jurisdiction over the Visakhapatnam Port and stevedores Association and others was taken to the Lordships of Supreme Court, it was held that the Board is not an industry as defined in the Industrial Disputes Act and further that there was no relationship of employer-employee between the Board and the workmen. The case was reported in 1970, I, LLJ, page 46. So far as the industry is concerned Bangalore Water supply case has brought out certain important changes in the very concept of the term industry and therefore the matter will have to be viewed in the light of the said decisions. Mr. Damania therefore did not argue the point regarding industry and confined his argument to the relationship between the contesting parties and it is his contention that because there existed no such relationship the whole reference must be rejected.

7. In the above mentioned case at page 55 in para 24 after narrating the various factories it has been held that "All these circumstances, in our opinion, prima facie establish that the Board cannot be considered to be the employer of the dock labour workmen". It was however held that various provisions referred to in the scheme clearly show that the registered employer to whom the Labour force is allotted by the Board is the employer whose work of loading or unloading of ships is done by the dock workers allotted to them.

8. While referring to the various clauses of scheme reference is made to clauses 30, 31 and 33 so also clause 36 dealing with the obligation of registered dock workers and clause (2) thereof speak that a registered worker in the reserve pool who is available for the work shall be deemed to be in the employment of the Board. Despite this important clause which speaks of the relationship between the employer Board and the registered worker, the Lordships of Supreme Court concluded there existed no relationship of employer employee. Since the clauses of the same are identical and since the Act is also the same, with respect, I must

टिप्पणी : भारत के राजपत्र भाग 2 छप्पा 3 उपछाप्पा (ii) तारीख 30-12-1967 में कां. भा० 4650 तारीख 19-12-1967 भाग प्रकाशित मूल अधिसूचना में निम्नलिखित पश्चात्कारी अधिसूचनाओं द्वारा संशोधित किए गए—

- (1) अधिसूचना संख्या कां. भा० 1175, तारीख 20-3-1968, तारीख 30-3-1968 का राजपत्र
- (2) अधिसूचना संख्या कां. भा० 668, तारीख 11-2-1969, तारीख 22-2-1969 का राजपत्र
- (3) अधिसूचना संख्या कां. भा० 1894, तारीख 9-5-1969, तारीख 17-5-1969 का राजपत्र
- (4) अधिसूचना संख्या कां. भा० 1768, तारीख 30-4-1969 तारीख 10-5-1969 का राजपत्र
- (5) अधिसूचना संख्या कां. भा० 2796, तारीख 3-7-1971, तारीख 24-7-1971 का राजपत्र
- (6) अधिसूचना संख्या कां. भा० 3810, तारीख 23-9-1972, तारीख 4-11-1972 का राजपत्र
- (7) अधिसूचना संख्या कां. भा० 4521, तारीख 26-9-1975, तारीख 18-10-1980 का राजपत्र
- (8) अधिसूचना संख्या कां. भा० 2914, तारीख 13-10-1980, तारीख 25-10-1980 का राजपत्र
- (9) अधिसूचना संख्या कां. भा० 45 तारीख 19-12-1981 तारीख 2-1-1982 का राजपत्र

[संख्या एम०-11020/6/80-डी०-I (प०)
पृष्ठ० के ० नारायणम, पवर सचिव]

S.O. 1633.—In exercise of the powers conferred by sub-section (2) of section 32-C of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the erstwhile Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.R. 4650, dated the 19th December, 1967, namely :—

In the Table annexed to the said Notification for serial No. 16 the following shall be substituted namely :—

16(a) Labour Court, Quilon, Revenue Districts of Trivan-
constituted by the State drum, Quilon and Alleppey.
Government of Kerala.

17(b) Labour Court, Ernakulam, Revenue Districts of Kottayam,
constituted by the Idukki, Ernakulam and Tri-
State Government of Kerala.

17(c) Labour Court, Kozhikode, Revenue Districts of Palghat,
constituted by the Malappuram, Kozhikode and
the State Government Cannanore which comprises
of Kerala. the new Wynad District, also.

Note.—Principal Notification published, vide S.O. 4650 dated the 19-12-67, Part II, Section 3, sub-section (ii) of Gazette of India dated 30-12-1967 subsequently amended by :

- (i) Notification No. S.O. 1175 dated 20-3-68, Gazette of 30-3-68
- (ii) Notification No. S.O. 668 dated 11-2-69, Gazette of 22-2-69
- (iii) Notification No. S.O. 1894 dated 9-5-69, Gazette of 17-5-69
- (iv) Notification No. S.O. 1768 dated 30-4-69, Gazette of 10-5-69

- (v) Notification No. S.O. 2796 dated 3-7-71, Gazette of 24-7-71
- (vi) Notification No. S.O. 3810 dated 23-9-72, Gazette of 4-11-72
- (vii) Notification No. S.O. 4521 dated 26-9-75, Gazette of 18-10-80.
- (viii) Notification No. S.O. 2914 dated 13-10-80, Gazette of 25-10-80
- (ix) Notification No. S.O. 45 dated 19-12-81, Gazette of 2-1-82.

[File No. S. 11020/6/80/DIA]
L.K. NARAYANAN, Under Secy.

New Delhi, the 19th April, 1982

S.O. 1634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of M/s Rajaram Bandekar (Sirigao) Mines Private Limited and their workmen which was received by the Central Government on 12th April, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/24 of 1981

PARTIES :

Employers in Relation to the Management of M/s Rajaram Bandekar (SIRIGAO) Mines Private Limited, VASCO-DA-GAMA, GOA

AND

Their Workmen

STATE : Goa, Daman and Diu. INDUSTRY : Mines.
Bombay, dated the 24th March, 1982

AWARD

This is a reference by Order No. L-29011/14/79-D. III. B dated 29-8-1979 from the Ministry of Labour whereby the dispute 'whether the management of M/s Rajaram Bandekar (Sirigao) Mines Pvt. Ltd were justified in terminating the services of Shri Namdeo K. Naik, Core Drill Operator vide their letter dated 17-2-1979 ? If not, what relief the workman is entitled to ?' was referred under Section 10(1) (d) of the Industrial Disputes Act for adjudication.

2. However the record speaks that the workman as well as the Union representing the workman on one side and the management on the other, by application dated 14-8-1979 settled the dispute finally to the satisfaction of the Union as well as of the workman. It further says that all the dues have been paid to the workman and there is also written endorsement that the dispute stands finally settled once for all. Annexure to the said settlement indicates that payment of Rs. 2762.11 is calculated for the period of service of 6 years and seven months with a note that in case the workman could produce written proof that he was in service prior to 1-7-1974 the gratuity under the Gratuity Act would be paid to him. I find the said settlement is fair and reasonable since the Union and the workman both were fully satisfied and with their consent the final settlement was arrived at and certainly was dropped on the dispute.

3. Since the dispute does not survive and has already come to an end no award need be passed as the matter has been settled out of Court.

M. A. DESHPANDE, Presiding

[No. L. 29011/14/79-D
R. P. NARULA, Dy
Bombay : 27-3-82.

